

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
JOHNSTOWN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,) CASE NO: 3:14-cr-00023
)
vs.)
)
JOSEPH D. MAURIZIO, JR.,)
)
Defendant.)
_____)

TRANSCRIPT OF SENTENCING PROCEEDINGS
BEFORE THE HONORABLE KIM R. GIBSON
MARCH 2, 2016

FOR THE GOVERNMENT:

Stephanie L. Haines, AUSA
Amy Larson, AUSA
United States Attorney's Office
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FOR THE DEFENDANT:

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Proceedings recorded by mechanical stenography,
transcript produced with computer.

Kimberly K. Spangler, RPR, RMR
United States District Court
Penn Traffic Building, Ste. 204
319 Washington Street
Johnstown, PA 15901

I N D E X

MARCH 2, 2016

Defendant's

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>
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Christine Shaulis	25	29	31
Joshua Shaulis	32		
Johanna Vena	35		
Vincent Vena	37		
Cynthia Howard	38		
Dan Thomas	41		
Loretta Jean Tay	44		
Kevin Koclick	46		
Karen Sroka	49		
Rosemary DiLoreto	53		
Angela Maurizio	59		

Certificate of reporter	91		
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P R O C E E D I N G S

(The proceedings convened on March 2, 2016, commencing at 10:07 a.m.)

THE COURT: This is the time and place set for sentencing in the case of United States v. Joseph D. Maurizio, Jr., Criminal Number 14-23.

Would counsel enter their appearance, please.

MS. HAINES: Stephanie Haines and Amy Larson for the United States, with Special Agent Molly Rock from the Department of Homeland Security at counsel table.

MR. PASSARELLO: Steve Passarello and Attorney Dan Kiss for the defendant, Joseph Maurizio.

THE COURT: Attorney Passarello, if you and the defendant would go to the lectern, please.

Ms. Gorgone, if you would administer the oath to the defendant.

(The defendant was placed under oath by Courtroom Deputy Gorgone.)

THE COURT: Mr. Maurizio, you are present today with Mr. Passarello who has represented you throughout this matter.

Is that correct?

THE DEFENDANT: Yes.

THE COURT: And is he a retained attorney?

THE DEFENDANT: Yes.

1 THE COURT: Have you used any illegal drugs or
2 consumed any alcoholic beverage in the past 24 hours?

3 THE DEFENDANT: No.

4 THE COURT: Are you currently on any medications?

5 THE DEFENDANT: Yes.

6 THE COURT: Can you tell me what they are, if you
7 know.

8 THE DEFENDANT: High blood pressure medicine,
9 Zantac, Claritin, some vitamins, a few other medications,
10 nothing significant.

11 THE COURT: Did you take those today?

12 THE DEFENDANT: No.

13 THE COURT: Did you take them last evening?

14 THE DEFENDANT: No. Just the Zantac.

15 THE COURT: When you take those medications in the
16 proper dosage, do they in any way affect your ability to
17 understand what is going on around you?

18 THE DEFENDANT: No.

19 THE COURT: And, Mr. Passarello, you have spoken
20 with the defendant today, I'm sure. Does he appear to be
21 oriented and understanding?

22 MR. PASSARELLO: He does, Your Honor.

23 THE COURT: The Court also finds the defendant to
24 be oriented and understanding.

25 Let the record reflect that the defendant has been

1 convicted by a jury of Counts 1, 2, 3, 4, and 8 of the
2 superseding indictment at Criminal Number 14-23.

3 Subsequent to the trial, the Court granted
4 Mr. Maurizio's motion for judgment of acquittal as to Count 4
5 on November 30, 2015.

6 Count 1 is engaging in illicit sexual conduct in
7 foreign places between on or about February 26, 2009, to on or
8 about March 13, 2009, with Minor Number 2, known as Otoniel,
9 in violation of 18 United States Code, Section 2423(c).

10 Count 2, knowing possession of one or more visual
11 depictions, the production of which involved the use of minors
12 engaging in sexually explicit conduct on or about
13 September 12, 2014, in violation of 18 United States Code,
14 Section 2252(a)(4)(B).

15 Count 3, engaging in illicit sexual conduct in
16 foreign places between on or about February 26, 2009, to on or
17 about March 13, 2009, with the minor known as Erick, in
18 violation of 18 United States Code, Section 2423(c).

19 Count 8, knowing transportation, transmission, or
20 transfer of a monetary instrument or funds, namely Check 221,
21 issued to ProNiño USA for \$3,000 from a place in the United
22 States to a place outside of the United States with the intent
23 to promote the carrying on of an unlawful activity, that is,
24 engaging in illicit sexual conduct in foreign places between
25 on or about December 18, 2008, and March 13, 2009, in

1 violation of 18 United States Code, Section 2423(c).

2 I do want to make a correction. I believe when I
3 said in Count 1 Otoniel was Minor Number 2, that is not
4 correct, is it?

5 MS. HAINES: That's correct, Your Honor. It's
6 Minor Victim Number 1 is Otoniel.

7 THE COURT: That should be Minor Victim Number 1
8 then. All right.

9 Following the jury's verdict, the United States
10 Probation Office conducted a presentence investigation and
11 prepared a presentence investigation report. On or about
12 December 14, 2015, the United States Probation Office filed a
13 draft presentence investigation report. On December 28, 2015,
14 a final presentence investigation was filed.

15 On December 30, 2015, the defendant filed his
16 position with respect to sentencing factors.

17 On January 5, 2016, the United States filed its
18 position with respect to sentencing factors.

19 On January 8, 2016, the United States Probation
20 Office filed an addendum to the presentence investigation
21 report.

22 On January 26, 2016, the defendant filed letters in
23 support.

24 On January 26, 2016, the United States filed its
25 sentencing memorandum.

1 This Court filed its tentative findings and rulings
2 on February 29, 2016.

3 Attorney Passarello and Mr. Maurizio, have you both
4 had the opportunity to read the presentence report, the
5 addendum to that report, and this Court's tentative findings
6 and rulings?

7 MR. PASSARELLO: We have, Your Honor. And I have
8 gone through all of those with the defendant.

9 THE COURT: Is that correct, sir?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you understand, Mr. Maurizio, the
12 purpose of the presentence report and its contents?

13 THE DEFENDANT: Yes, I do, Judge.

14 THE COURT: Now, before hearing from the parties
15 with regard to any motions for departure from the sentencing
16 guidelines, I will first review the sentencing guideline
17 calculation as set forth in the presentence report.

18 I will first note that the sentencing guidelines
19 are advisory and not mandatory in their application upon this
20 Court. The 2015 edition of the guidelines manual, including
21 amendments effective as of November 1, 2015, will be used in
22 this case.

23 I will again summarize the counts before moving to
24 the calculation of the base offense level: Count 1 of the
25 superseding indictment, engaging in illicit sexual conduct in

1 foreign places. Count 2 of the superseding indictment,
2 knowing possession of visual depictions, the production of
3 which involved the use of minors engaging in sexually explicit
4 conduct. Count 3 of the superseding indictment, engaging in
5 illicit sexual conduct in foreign places, and Count 8 of the
6 superseding indictment, knowing transportation, transmission,
7 or transfer of a monetary instrument or funds from a place in
8 the United States to a place outside of the United States with
9 the intent to promote the carrying on of an unlawful activity.

10 I will first deal with Count 1, which is also Group
11 1. The guideline for offenses at 18 United States Code,
12 Section 2423(c) is found at Guidelines Section 2G1.3. The
13 base offense level is 24, pursuant to Guidelines Section
14 2G1.3(a)(4).

15 With regard to specific offense characteristics,
16 because the defendant unduly influenced the minor victim to
17 engage in prohibited sexual conduct, there is a two-level
18 increase, pursuant to Guidelines Section 2G1.3(b)(2)(B).

19 Application Note 3(B) advises that in a case in
20 which the participant is at least 10 years older than the
21 minor, there shall be a rebuttable presumption that (b)(2)(B)
22 applies. In such a case, some degree of undue influence can
23 be presumed because of the substantial difference in the age
24 between the defendant and minor victim.

25 It is also noted that the defendant provided candy,

1 money, and small gifts to his victims, who were poor, to gain
2 their compliance.

3 Specific offense characteristics: As Subsection
4 (a)(4) applies in this matter, and the offense involved
5 commercial sex acts, the offense level is increased by two
6 levels, pursuant to Guidelines Section 2G1.3(b)(4)(B).

7 Application Note 1 provides that commercial sex act
8 has the meaning given to the term at 18 United States Code,
9 Section 1591(e)(3). According to 18 United States Code,
10 Section 1591(3)(3), the term "commercial sex act" means any
11 sex act on account of which anything of value is given to or
12 received by any person.

13 The evidence supports this enhancement in that the
14 defendant, among other things, gave the victim money in
15 exchange for sexual conduct.

16 Victim-related adjustments: The defendant knew
17 that the victim of the offense was a vulnerable victim.
18 Therefore, two levels are added, pursuant to Guidelines
19 Section 3A1.1(b)(1).

20 In addition to being extremely poor, the victims
21 were exceptionally vulnerable to the defendant's actions. The
22 victims were living in a home for orphaned, abandoned, and
23 drug-addicted children. The victims' access to parental
24 guidance, educational resources, health care, and family
25 support was minimal. As such, small gifts of candy, clothing

1 and shoes, in addition to cash, were especially attractive to
2 the victims.

3 The defendant also gave various privileges,
4 opportunities, and gifts to the victims in a way to entice and
5 encourage them to spend time with him alone, which provided
6 the defendant the opportunity to engage in illicit sexual
7 conduct with the victims.

8 Adjustment for role in the offense: The defendant
9 abused a position of public or private trust, specifically his
10 position as a Roman Catholic priest, in a manner that
11 significantly facilitated the commission or concealment of the
12 offense. Therefore, a two-level increase is appropriate,
13 pursuant to Guidelines Section 3B1.3.

14 There is no adjustment for obstruction of justice.
15 Therefore, the adjusted offense level as to Count 1 is 32.

16 I will now cover Count 2, which is also Group 2.
17 This is knowing possession of visual depictions, the
18 production of which involved the use of minors engaging in
19 sexually explicit conduct.

20 With regard to base offense level, the guideline
21 for 18 United States Code, Section 2252(a)(4)(B) offenses is
22 found at Guidelines 2G2.2(a)(1). The base offense level is
23 18.

24 With regard to specific offense characteristics,
25 the government asserts that as the minor depicted in the

1 photographs possessed by the defendant was a prepubescent
2 minor who had not attained the age of 12, there would be a
3 two-level increase, pursuant to Guidelines Section
4 2G2.2(b)(2). According to the testimony of the case agent,
5 the victim was between the age of 10 and 11 years.

6 The defendant objects to this two-level adjustment
7 under Guidelines Section 2G2.2(b)(2).

8 The Court finds that the United States did not meet
9 its burden of proof in regard to this enhancement, as the only
10 testimony regarding this factor comes from the special agent,
11 and that special agent's testimony regarding this matter is
12 speculative in nature and is not sufficient to support this
13 enhancement. Accordingly, the Court denies this enhancement.

14 With regard to specific offense characteristics, as
15 the defendant engaged in a pattern of activity involving the
16 sexual exploitation of a minor, there is a five-level
17 increase, pursuant to Guidelines Section 2G2.2(b)(5).

18 Application Note 1 advises that a pattern of
19 activity involving the sexual abuse or exploitation of a minor
20 means any combination of two or more separate instances of
21 sexual abuse or sexual exploitation of a minor by the
22 defendant, whether or not the abuse or exploitation occurred
23 during the course of the offense, or involved the same minor,
24 or resulted in a conviction for said conduct.

25 With regard to victim-related adjustments, there

1 are no victim-related adjustments. There is no adjustment for
2 role in the offense. There is no adjustment for obstruction
3 of justice. Therefore, the offense level as to Count 2, which
4 is also Group 2, is 23.

5 Count 3, Group 3, engaging in illicit sexual
6 conduct in foreign places: With regard to base offense level,
7 the guideline for 18 United States Code, Section 2423(c)
8 offenses is found in Guidelines Section 2G1.3. The base
9 offense level is 24, pursuant to 2G1.3(a)(4).

10 Specific offense characteristics: Because the
11 victim was in the custody, care, or supervisory control of the
12 defendant, there is a two-level increase, pursuant to
13 Guidelines Section 2G1.3(b)(1).

14 Application Note 2(A) advises that this applies
15 whether the victim was entrusted to the defendant temporarily
16 or permanently.

17 The defendant in this case had custodial care over
18 the victim Erick, transporting him in his truck from one
19 location to another.

20 Specific offense characteristic: Because the
21 defendant unduly influenced the minor victim to engage in
22 prohibited sexual conduct, there is a two-level increase,
23 pursuant to Guidelines Section 2G1.3(b)(2)(B).

24 Application Note 3(B) advises that in a case in
25 which the participant is at least 10 years older than the

1 minor, there shall be a rebuttable presumption that (b) (2) (B)
2 applies. In such a case some degree of undue influence can be
3 presumed because of the substantial difference in the age
4 between the defendant and minor victim.

5 It is also noted that the defendant provided candy,
6 money, and small gifts to his victims, who were poor, to gain
7 their compliance.

8 Specific offense characteristic: As Subsection
9 (a) (4) applies in this matter and the offense involved
10 commercial sex acts, the offense level is increased by two
11 levels, pursuant to Guidelines Section 2G1.3(b) (4) (B) .

12 Application Note 1 provides that commercial sex act
13 has the meaning given to that term at 18 United States Code,
14 Section 1591(e) (3) . In Section 1591(e) (3) the term
15 "commercial sex act" means any sex act on account of which
16 anything of value is given or received by any person.

17 The evidence supports this enhancement in that the
18 defendant, among other things, gave the victim money in
19 exchange for sexual conduct.

20 Victim-related adjustment: The defendant knew that
21 the victim of the offense was a vulnerable victim. Therefore,
22 two levels are added, pursuant to Guidelines
23 Section 3A1.1(b) (1) .

24 In addition to being extremely poor, the victims
25 were exceptionally vulnerable to the defendant's actions. The

1 victims were living in a home for orphaned, abandoned, and
2 drug-addicted children. The victims' access to parental
3 guidance, educational resources, health care, and family
4 support was minimal. As such, small gifts of candy, clothing
5 and shoes, in addition to cash, were especially attractive to
6 the victims.

7 The defendant also gave various privileges,
8 opportunities, and gifts to the victims as a way to entice and
9 encourage them to spend time with him alone, which provided
10 the defendant the opportunity to engage in illicit sexual
11 conduct with the victims.

12 Adjustment for role in the offense: There would be
13 a two-level increase, pursuant to Guidelines Section 3B1.3;
14 however, Guidelines Section 2G1.3 Application Note 2(B)
15 provides that if Guidelines Section 2G1.3(b)(1) applies, and
16 the Court has applied that, then the adjustment under 3B1.3 is
17 not to be applied.

18 Since the Court has determined that
19 Section 2G1.3(b)(1) of the guidelines applies, the adjustment
20 for abuse of a position of trust is not applicable, and the
21 two-level increase will not be applied.

22 There is no adjustment for obstruction of justice.
23 Therefore, the offense level as to Count 3 is 32.

24 Count 8, which is also Group 4, knowing
25 transportation, transmission, or transfer of a monetary

1 instrument or funds from a place in the United States to a
2 place outside of the United States, with the intent to promote
3 the carrying on of an unlawful activity is the offense.

4 The base offense level for violations of 18 United
5 States Code, Section 1956(a)(2)(A) is found at Guidelines
6 Section 2S1.1(a)(2) of the guidelines, which calls for a base
7 offense level of 8.

8 Specific offense characteristic: Because the base
9 offense level is found in Section 2S1.1(a)(2), and because the
10 defendant knew or believed that any of the laundered funds
11 were the proceeds of, or were intended to promote an offense
12 involving the sexual exploitation of a minor, there is a
13 six-level increase, pursuant to Guidelines Section
14 2S1.1(b)(1).

15 Specific offense characteristic: Because the
16 defendant was convicted under 18 United States Code,
17 Section 1956, there is a two-level increase, pursuant to
18 Guidelines Section 2S1.1(b)(2)(B).

19 There are no victim-related adjustments. There is
20 no adjustment for role in the offense. There is no adjustment
21 for obstruction of justice. Therefore, the adjusted offense
22 level as to Count 8 is 16.

23 Now, pursuant to Guidelines Section 3D1.4, the
24 Court will make multiple count adjustments. For Count 1,
25 Group 1, the adjusted offense level is 32 and, therefore,

1 1.0 units is assigned.

2 With regard to Count 2, Group 2, the adjusted
3 offense level is 23, which results in no units being applied.

4 With regard to Count 3, Group 3, 32 is the adjusted
5 offense level, therefore, 1.0 units are applied.

6 With regard to Group 4, Count 8, the adjusted
7 offense level is 16 and, therefore, no units are applied.

8 This results in a total number of units of 2.0.

9 And I will note that is different than what is reflected in
10 the presentence investigation report, based upon my denial of
11 one of the enhancements.

12 The greater of the adjusted offense levels of the
13 four counts is 32, therefore, the increase in offense level is
14 two. This results in a combined adjusted offense level of 34.

15 There is a Chapter 4 enhancement. An enhancement
16 under Guidelines Section 4B1.5 for repeat and dangerous sex
17 offender against minors is applicable in this case.

18 Pursuant to Guidelines Section 4B1.5(b), as the
19 instant offense of conviction is a covered sex crime, namely
20 Counts 1 and 3, and the defendant engaged in a pattern of
21 activity involving prohibited sexual conduct, the offense
22 level shall be five, plus the offense level determined under
23 Chapters 2 and 3.

24 According to Application Note 4(B)(i), for purposes
25 of (b), the defendant engaged in a pattern of activity

1 involving prohibited sexual conduct if, on at least two
2 separate occasions the defendant engaged in prohibited sexual
3 conduct with a minor. And (ii), an occasion of prohibited
4 sexual conduct may be considered for purposes of (b) without
5 regard to whether the occasion occurred during the course of
6 the instant offense, or resulted in a conviction for the
7 conduct that occurred on that occasion.

8 There is no adjustment for acceptance of
9 responsibility. The defendant has maintained his innocence,
10 and this case went to trial.

11 Therefore, all of those calculations result in a
12 total offense level of 39.

13 Now, understanding that there was a disagreement
14 over one of the enhancements, and understanding that counsel
15 may not agree with the Court's findings on that determination,
16 do counsel agree with the calculation?

17 MR. PASSARELLO: The defense does, Your Honor.

18 MS. HAINES: Yes, Your Honor.

19 THE COURT: With regard to criminal history
20 computation, the defendant has no known adult criminal
21 convictions. Therefore, he is a Category 1 criminal
22 computation.

23 With regard to sentencing options available to this
24 Court, at each of Counts 1 and 3 the maximum term of
25 imprisonment is 30 years, pursuant to Guidelines

1 Section 2423(c).

2 At Count 2 the maximum term of imprisonment is 10
3 years, pursuant to 18 United States Code, Section 2252(b)(2).

4 At Count 8 the maximum term of imprisonment is
5 20 years, pursuant to 18 United States Code,
6 Section 1956(a)(2)(A).

7 Under the guidelines, based upon a total offense
8 level of 39 and a criminal history category of 1, the
9 guideline imprisonment range is from 262 months to 327 months.

10 There is no plea agreement in this case.

11 With regard to supervised release, at Counts 1, 2,
12 and 3 the Court shall impose a term of supervised release of
13 at least five years and up to life, pursuant to 18 United
14 States Code, Section 3583(k).

15 At Count 8 the Court may impose a term of
16 supervised release of not more than three years, pursuant to
17 18 United States Code, Section 3583(b)(2). Multiple terms of
18 supervised release shall run concurrently, pursuant to 18
19 United States Code, Section 3624(e).

20 Under the guidelines, at Counts 1, 2, and 3 a term
21 of supervised release of at least five years is required by
22 statute. Therefore, the guideline range for a term of
23 supervised release is five years to life, pursuant to
24 Guidelines Section 5D1.2(b)(2).

25 At Count 8, as the offense is a Class C felony, the

1 guideline range for a term of supervised release is from one
2 year to three years, pursuant to Guidelines
3 Section 5D1.2(a)(2).

4 With regard to probation, by statute the defendant
5 is ineligible for probation at Counts 1 and 3 because it is
6 expressly precluded by 18 United States Code,
7 Section 3561(a)(2).

8 At Counts 2 and 8, pursuant to 18 United States
9 Code, Section 3561(a)(3), the defendant is not eligible for
10 probation because the defendant will be sentenced at the same
11 time to a term of imprisonment for the same or a different
12 offense.

13 Under the guidelines, the defendant is not eligible
14 for probation at Counts 1 and 3 because it is expressly
15 precluded by statute, pursuant to Guidelines
16 Section 5B1.1(b)(2).

17 At Counts 2 and 8, the defendant is not eligible
18 for probation because the defendant will be sentenced at the
19 same time to a term of imprisonment for the same or a
20 different offense.

21 With regard to a fine, at Counts 1, 2, and 3 the
22 maximum fine for each count is \$250,000, pursuant to 18 United
23 States Code, Section 3571(b). The maximum fine at Count 8 is
24 \$500,000, pursuant to 18 United States Code, Section 1956.

25 A special assessment of \$100 for each count is

1 mandatory, and results in a total special assessment of \$400.

2 Under the guidelines, the fine range for this
3 offense is \$25,000 to \$500,000. If the defendant is convicted
4 under a statute authorizing a maximum fine greater than
5 \$250,000, the Court may impose a fine up to the maximum
6 authorized by the statute, pursuant to Guidelines Sections
7 5E1.2(c)(4) and 5E1.2(h)(1).

8 With regard to restitution, pursuant to 18 United
9 States Code, Section 3663(a), restitution shall be ordered in
10 this case. Restitution is due and owing to the following
11 victims: Otoniel and Erick, and restitution shall be
12 determined later in this proceeding. Under the guidelines,
13 restitution shall be ordered pursuant to Guidelines
14 Section 5E1.1.

15 The denial of federal benefits does not apply to
16 this case.

17 With regard to forfeiture, the property used to
18 commit or promote the commission of Counts 1 and 2 of the
19 indictment is subject to forfeiture, pursuant to 18 United
20 States Code, Sections 2253(a)(3), and 2428(a)(1), and includes
21 but is not limited to the items set forth in the forfeiture
22 allegations filed with the indictment.

23 Attorney Passarello, did you review with
24 Mr. Maurizio the statutory ranges and the sentencing guideline
25 ranges that I just recited, as well as the sentencing factors

1 found at 18 United States Code, Section 3553(a)?

2 MR. PASSARELLO: I did, Your Honor.

3 THE COURT: Mr. Maurizio, is that correct?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Since Mr. Passarello reviewed with you
6 the sentencing factors contained at 18 United States Code,
7 Section 3553(a), do you wish the Court to read those to you at
8 this time or do you waive that reading?

9 THE DEFENDANT: I waive that reading, Your Honor.

10 THE COURT: Now, counsel, the Court has reviewed
11 all written materials that were docketed in this case, and I
12 want to inquire at this time as to whether or not either party
13 has any additional written materials that should be reviewed
14 that are not docketed?

15 MR. PASSARELLO: From the defense, Your Honor, no,
16 we do not -- oh. With the exception of some people that are
17 going to speak today that may read from a letter.

18 THE COURT: Well, if they're reading it into the
19 record that is fine. I just wondered if there were any
20 documents that I should look at that have not been docketed.

21 MR. PASSARELLO: No, Your Honor.

22 MS. HAINES: Nothing from the United States.

23 THE COURT: Thank you.

24 Attorney Passarello, other than any objections you
25 have already raised, do you have any objections to the factual

1 content or the sentencing calculations in the presentence
2 report as revised by the addendum dated January 8, 2016?

3 MR. PASSARELLO: I do not.

4 THE COURT: Do you have any objections to the
5 Court's tentative findings and rulings?

6 MR. PASSARELLO: I do not, Your Honor.

7 THE COURT: Attorney Haines, does the government
8 have any objections to the factual content or sentencing
9 calculations in the presentence report as revised by the
10 addendum?

11 MS. HAINES: No, Your Honor.

12 THE COURT: Do you have any objections to the
13 Court's tentative findings and rulings?

14 MS. HAINES: No, Your Honor.

15 THE COURT: Mr. Passarello, we will now move to
16 *Gunter* stage 2, and I will inquire as to whether you have any
17 motions for departure from the sentencing guidelines before we
18 move to the issue with regard to variance. And if you do have
19 any motions for departure, please reference them with a
20 specific section of the sentencing guidelines.

21 MR. PASSARELLO: Your Honor, as stated in my
22 position of sentencing factors, my argument is solely based on
23 the motion for variance, so I do not have any motions for
24 departure at this time.

25 THE COURT: Thank you.

1 Attorney Haines, does the government have any
2 motions for departure from the guidelines?

3 MS. HAINES: We do not, Your Honor.

4 THE COURT: Then, Mr. Passarello, at this time we
5 will move to stage three of *Gunter*, which will allow you to
6 present any sentencing arguments that you wish to present.
7 You can present testimony from third parties, any documents,
8 and you also may have Mr. Maurizio address the Court himself,
9 and what order you do that in I will leave entirely up to you.

10 MR. PASSARELLO: Thank you, Your Honor. The order
11 I would like to do is, for the Court's information, would be
12 to have third parties speak on behalf of Mr. Maurizio. And
13 then I would ask for the opportunity to make my arguments for
14 variances after that.

15 THE COURT: All right. Mr. Maurizio, if you would
16 take a seat at counsel table. That will make room for the
17 people who are going to address the Court.

18 And the order that you call them in is entirely up
19 to you.

20 MR. PASSARELLO: Thank you, Your Honor. Just so
21 the Court's aware, we have informed the United States of the
22 list of people we have chosen to call, and also I believe have
23 provided them the letters that were attached to -- the people
24 who are not speaking, their letters which were forwarded to
25 the Court.

1 We would call first Christine Shaulis.

2 THE COURT: I don't intend to have these witnesses
3 sworn because I presume what they are presenting is more in
4 the nature of character evidence and support for the
5 defendant.

6 MR. PASSARELLO: That is the nature of their
7 testimony. But it is my understanding, I believe that the
8 United States is requesting they be sworn.

9 MS. HAINES: We are, Your Honor. We'd ask that
10 they be sworn, based upon what they say there may be potential
11 cross-examination of them.

12 THE COURT: All right. Then with the request for
13 the oath to be given, will you please administer the oath to
14 each witness, and the first one will be Mrs. Shaulis.

15 (The witness was placed under oath by Courtroom
16 Deputy Gorgone.)

17 THE COURT: Mr. Passarello, you can do this by
18 question and answer or you can just have the person address
19 the Court.

20 MR. PASSARELLO: Judge, I'll just ask her name and
21 what her address is, and then I will have her address the
22 Court, if that's all right.

23 THE COURT: That's fine.

24 (The witness was placed under oath by Courtroom
25 Deputy Gorgone.)

1 CHRISTINE SHAULIS, DEFENDANT'S WITNESS, SWORN

2 DIRECT EXAMINATION

3 BY MR. PASSARELLO:

4 Q. Would you state your name for the record, please.

5 A. Christine Shaulis.

6 Q. Would you spell your name.

7 A. C-H-R-I-S-T-I-N-E, S-H-A-U-L-I-S.

8 Q. And where do you currently reside?

9 A. 2907 Jackson Avenue, Winder, PA.

10 Q. And I understand you would like to speak on behalf of
11 Father Maurizio, and now's your time.

12 A. Thank you, Judge Gibson, for allowing me to speak. Good
13 morning.

14 I wanted to say a few things about my uncle, my
15 godfather, Father Joe Maurizio. It is hard to think of
16 everything to say about my uncle because has done so much good
17 for my family and for people all over the world.

18 As far back as I can remember, my Uncle Joe has always
19 been my favorite uncle. He has always been there for support
20 and done things for me and all of his nieces and nephews.

21 When I was just a little girl he traveled all around the
22 world. Every time he would come home from the different
23 countries he visited he would bring home a doll. Not just for
24 me, but for all of his nieces also. I still have all of them
25 to this day.

1 When I was young my parents didn't have much, and we
2 didn't really vacation except to visit my family. Uncle Joe
3 took us on our first beach trip. I remember him carrying me
4 into the ocean. I was scared but he protected me, even though
5 I got a mouthful of water. He always spent a lot of time with
6 my mom, his sister Rosemary; therefore, he was with my sister
7 Cynthia and I a lot.

8 He took us to different places. When he would come home
9 we were always together as a family and had many family
10 dinners. I was alone with him as well as my cousins. There
11 was never anything strange or uncomfortable about him. He was
12 very loving, and a giving uncle.

13 At Easter time we would always color eggs together, and
14 he would make sure that my dad got the one that was not
15 hardboiled so when he cracked it it would go all over him. He
16 was a huge jokester and an instigator. He always made us
17 laugh.

18 I remember the day when he told us he was going to be a
19 priest. I thought he was joking, but he wasn't. He said he
20 got the calling. It then became real. I remember as a young
21 girl going with my family and my cousins to visit him at the
22 monastery and other places where he trained in his ministry.
23 It was always a little unbelievable to me because he was my
24 uncle and not what I thought a priest was. The priests I had
25 growing up were mean and strict. Not my uncle. He was

1 caring, funny, and an instigator. As I got older I realized
2 he was one of a kind. Special. He put everyone's needs
3 before his.

4 When he first told us he was going to go to these other
5 countries to help poor children on the streets, we were very
6 concerned for him and his safety. My dad didn't want him to
7 go because of the third-world countries; they were not like
8 ours. But my uncle's faith in God was so strong and he told
9 us this was his calling, so we knew there was no changing his
10 mind. We just had to pray for him to come back home safely.

11 When he first came back from these missions and he told
12 us what goes on over there, we couldn't even imagine. Then
13 when he showed us pictures then we understood why he needed to
14 go and help the poor children.

15 So over many years his HIM Ministry grew because people
16 loved my uncle and also trusted him and wanted to help the
17 children. That is exactly what my uncle did: He helped the
18 children. He didn't harm them.

19 I know what he has been accused of but, in my opinion,
20 that is because people become jealous, and especially when it
21 involves a lot of money. Money can be the root of all evil.
22 I know my uncle, and no one could ever make me believe that
23 these allegations are true.

24 My two sons are devastated that their Uncle Joe is in
25 prison. They have been around him since they have been born.

1 My heart breaks for them that he has been taken away from them
2 so early on in their life.

3 On the other hand, I'm so glad they have had the precious
4 time with him that they have had, and everything that they
5 have learned from him spiritually and personally. They miss
6 him so much and want to visit him and can't. I hope when he
7 gets transferred it will be permitted to visit. I also have
8 had a talk with them about my uncle, and they said they have
9 never felt strange or uncomfortable around him, that they love
10 him with all of their hearts.

11 They are now eight and ten years old. On a daily basis
12 they talk about him and how they don't want me to be sad or
13 wonder when he will come home. We pray all the time, hoping
14 it will be sooner than later.

15 These past 17 months have been the longest, hardest
16 period of my family's life. We all live a pretty simple life.
17 This has put all of our faith to the test, and has only made
18 me stronger, for I do believe God has a plan.

19 Being that I'm a power of attorney has been a learning
20 experience for me because I thought that was something you
21 deal with at the end of a person's life, never thinking my
22 poor uncle would ever have to go through something like this.
23 It has definitely made me more knowledgeable and stronger.

24 Judge Gibson, I'm asking you today to please have
25 leniency on my uncle's sentence, and please keep him as close

1 as possible so I can get my mother, aunt, and my father, who
2 are all older, to visit him as much as possible, as well as
3 his friends.

4 Once again, thank you for listening to me today for what
5 I had to say about my uncle, Father Joe Maurizio, for he is
6 truly my hero.

7 I love you.

8 THE COURT: Thank you.

9 MS. SHAULIS: Thank you.

10 MS. HAINES: We do have cross-examination and
11 questions, Your Honor.

12 CROSS-EXAMINATION

13 BY MS. HAINES:

14 Q. Morning, Ms. Shaulis.

15 A. Morning.

16 Q. I believe you stated that you are and have been the power
17 of attorney for your uncle, correct?

18 A. Yes.

19 Q. And you would agree with me you've been the power of
20 attorney throughout this case, correct?

21 A. Yes.

22 Q. And you would agree with me that at the outset of this
23 case when you were the power of attorney, there were assets
24 belonging to your uncle in excess of \$1 million, correct?

25 A. Yes.

1 Q. You would agree with me, as the power of attorney, it's
2 your duty and responsibility to oversee how that money is
3 moved or where it goes, correct?

4 A. Correct.

5 Q. You would agree with me that your uncle was convicted of
6 the crimes to which he's now being sentenced in September of
7 2015, correct?

8 A. Correct.

9 Q. You would agree with me that on November 4th of 2015,
10 which was post indictment, that all of his remaining assets
11 were retitled in the name of The Joseph D. Maurizio Revokable
12 Trust Agreement, and that you and your sons are listed as the
13 beneficiaries of those assets at this time, correct?

14 A. Correct.

15 Q. You would also agree with me, on November 4th of 2015,
16 post indictment, that there was a transfer of a house and
17 property located in this district that had a fair market value
18 of 128,800 -- post conviction, excuse me -- post conviction
19 not post indictment.

20 But on November 4th of 2015, post conviction, that the
21 house and property located at 164 Sugar Maple Drive that had a
22 fair market value of \$128,825 was transferred to you by your
23 uncle for the price of \$1, correct?

24 A. It's not 164. It's 809 Sugar Maple Drive. And yes,
25 correct.

1 Q. So you bought it for a dollar after his conviction?

2 A. Correct.

3 Q. You would also agree with me, during the pendency of your
4 time as a power of attorney that there were a number of
5 securities accounts that were in the name of your uncle that
6 you became the power of attorney over, correct?

7 A. Correct.

8 Q. You would agree with me that there were at least five
9 separate accounts that at one time had a balance of
10 approximately \$364,381, correct?

11 A. I don't know the exact numbers.

12 Q. It wouldn't surprise you though that there were
13 substantial amounts of money in these securities accounts?

14 A. Yes, there was.

15 Q. Would you agree with me that at this time, as you are the
16 power of attorney, that there's not a dollar left in those
17 accounts; is that correct?

18 A. No, there's not.

19 MS. HAINES: If I may have a moment, Your Honor.

20 No further questions.

21 THE COURT: Mr. Passarello, any follow up?

22 REDIRECT EXAMINATION

23 BY MR. PASSARELLO:

24 Q. Christine, there are balances left of Father Joe's money,
25 correct?

1 A. Yes.

2 Q. How much?

3 A. He has a few accounts. There's probably about a total of
4 maybe 400,000.

5 Q. So there's still \$400,000 left in the accounts?

6 A. Yes.

7 Q. Okay.

8 A. Sorry, I...

9 Q. And Father Joe retained private counsel for his trial,
10 correct?

11 A. Yes.

12 Q. And Father Joe also retained appellate counsel for his
13 appeal, correct?

14 A. Yes.

15 Q. Okay. And some of the monies that were spent as power of
16 attorney were for attorney's fees, correct?

17 A. Yes.

18 MR. PASSARELLO: I have nothing further.

19 THE COURT: Attorney Haines, any recross?

20 MS. HAINES: No, Your Honor.

21 MR. PASSARELLO: Thank you, Judge.

22 THE COURT: You can step down, Mrs. Shaulis.

23 MR. PASSARELLO: We'll call Joshua Shaulis.

24 (The witness was placed under oath by Courtroom
25 Deputy Gorgone.)

1 JOSHUA SHAULIS, DEFENDANT'S WITNESS, SWORN

2 DIRECT EXAMINATION

3 BY MR. PASSARELLO:

4 Q. Would you state and spell your name for the record,
5 please.

6 A. Joshua Shaulis.

7 Q. And where do you --

8 A. J-O-S-H-U-A, S-H-A-U-L-I-S.

9 Q. Where do you currently reside?

10 (Court reporter request for clarification.)

11 A. 2907 Jackson Avenue, Windber, Pennsylvania.

12 Q. You asked for the opportunity to speak on behalf of the
13 defendant. This is your opportunity.

14 A. Thank you, Judge Gibson.

15 I've been provided the opportunity to know Father Joe for
16 many years. I met him prior to meeting my wife, his niece.

17 Many years ago I witnessed Father consoling and offering
18 spiritual guidance to a couple who would be about my age now.
19 They were grieving the loss of their son. For the many
20 obstacles for this couple to make a very difficult decision,
21 he kept their faith steadfast with his guiding words, as if
22 God himself was offering comforting words through him. I
23 respected him from that day on.

24 Twenty years later Father Joe is Uncle Joe to me. He's
25 treated me and continues to treat me as a blood relative.

1 He's a huge part of my family, my wife, and my sons. There
2 hasn't been many dinners at my home where he has not provided
3 grace and strength over our meals. Paul said in Philippians,
4 I can do all things through Christ who strengthens me. How
5 true this is. Father Joe has taught his whole family to be
6 strong in their faith and to look upon Christ as we need him
7 the most.

8 As I look at Uncle Joe and all his good works over the
9 years, I am also able to thank him for providing the
10 opportunity to help teach my wife and my sons, myself, the
11 same virtues and values. It's very disheartening to know
12 that -- to hear our sons ask him about and where he is at, or
13 if he'll be back for the summer picnics. But through his
14 guidance we're able to talk with them so they have an
15 understanding of where he is.

16 In the book of Joshua it says that I have not abandoned
17 you, be strong and of good courage, do not be afraid, do not
18 be dismayed. The Lord your God is with you wherever you go.

19 Judge Gibson, I ask you to grant leniency with respect to
20 as well as placing him close to my aging family, his two
21 sisters and brother-in-law, as well as my family.

22 Thank you.

23 THE COURT: Thank you.

24 Attorney Haines, any questions?

25 MS. HAINES: No, Your Honor.

1 THE COURT: You can have a seat, sir.

2 MR. PASSARELLO: Call Dr. Joey Vena.

3 (The witness was placed under oath by Courtroom
4 Deputy Gorgone.)

5 JOHANNA VENA, DEFENDANT'S WITNESS, SWORN

6 DIRECT EXAMINATION

7 BY MR. PASSARELLO:

8 Q. Would you state your full name and spell it for the
9 record, please.

10 A. Johanna Vena. J-O-H-A-N-N-A, V-E-N-A.

11 Q. Where do you currently reside?

12 A. 528 Waterfall Drive, Johnstown, Pennsylvania.

13 Q. You've asked for the opportunity to speak on behalf of
14 the defendant. This is your opportunity to do so.

15 A. Thank you.

16 Your Honor, I'm here today to plead for leniency in the
17 sentencing of my good friend Father Joseph Maurizio. I've
18 known Father Joe for nearly two decades now, and I've known
19 the vast amount of good he has done in his lifetime. I
20 suspect Father Joe has brought about more good in this world
21 than most any of us sitting here in this room today.

22 Father Joe proudly served his country in the Armed
23 Forces. He has served as a spiritual leader for thousands,
24 and still does, maintaining and sharing hope and faith, even
25 from the bleak confines of a prison cell.

1 Most of all, I have witnessed firsthand the desperately
2 needed humanitarian aid that Father Joe has provided for
3 thousands of destitute children. Father Joe witnessed a
4 hopeless situation in a part of the world where there were no
5 safety nets. If a child is starving, he'll likely just
6 starve. If a child is homeless, he'll likely just sleep in
7 the streets. And if a child causes trouble for law
8 enforcement in his attempt to survive, he will quite possibly
9 be shot.

10 Father Joe saw these things and he did something about
11 it. Through his tireless work he provided food, safety, a
12 home, and an education and hope to many hopeless children in
13 Central America.

14 Incarceration has been extremely difficult for Father
15 Joe, and anything but the shortest of sentences will be a life
16 sentence for him. A man who has done so much to make the
17 world a better place does not deserve to end his days in jail.
18 Regardless if Father Joe's ever free again, he has provided to
19 numerous innocent children something that can never be taken
20 away; faith, hope, and love. And he has provided to me and
21 many like me an undying model of a faithful servant to God.

22 MR. PASSARELLO: Thank you.

23 MS. HAINES: No cross, Your Honor.

24 THE COURT: You may be seated.

25 MR. PASSARELLO: Call Vincent Vena.

1 (The witness was placed under oath by Courtroom
2 Deputy Gorgone.)

3 VINCENT VENA, DEFENDANT'S WITNESS, SWORN

4 DIRECT EXAMINATION

5 BY MR. PASSARELLO:

6 Q. State and spell your full name for the Court, please.

7 A. Vincent Vena.

8 Q. Where do you -- I'm sorry, spell --

9 A. V-E-N-A. First is V-I-N-C-E-N-T.

10 Q. Where do you currently reside?

11 A. 528 Waterfall Drive, Johnstown, PA.

12 Q. This is your opportunity to speak on behalf of your
13 friend.

14 A. Judge Gibson, thanks for allowing me to speak.

15 I had the opportunity to come here today and support
16 Father Joe, and I do ask for leniency in his sentencing.

17 I've been an orthopedic surgeon in town since 1998, and
18 I've been exposed to Father Joe since that time. As a
19 professional in the community, I risk persecution for being
20 here speaking for him but, admittedly, consider it a
21 privilege. Mainly because I believe strongly enough in his
22 character and his innocence that I feel compelled to speak.

23 At the hospital I've had the opportunity, as a physician,
24 to see him work with patients that many times I can't as a
25 physician console, where he offers them peace and comfort,

1 that as a physician I can't give them.

2 I've had the opportunity to financially assist him
3 through all of his work since I've been in town, and I've also
4 done physical work to help him with that. My wife and I and
5 our children have traveled with him to Costa Rica, assisted
6 him with his mission. My children continue to revere him as a
7 humble, reverent man who's caused no harm.

8 Neither I nor anyone around him has ever seen a man other
9 than a man that's committed to God, society, and the orphans
10 of our world.

11 He has worked to improve the lives of orphans in some of
12 the most desperate areas of our world. They're horrific.
13 This work has provided a sense of hope and peace for those
14 individuals who are otherwise stuck in desperation and death.

15 I will share with you not only is his actions a testament
16 to his character before this whole issue, but as a physician
17 locally I -- for reasons I don't fully understand -- I have a
18 following of prison guards. When some of them discover my
19 association with Father Joe, unprompted they'll share
20 heartwarming stories of his peaceful and prayerful nature in
21 prison.

22 One of them explained -- and I'll quote -- "There's no
23 way he's guilty of what he's been convicted. I have not
24 prayed in years, and I find myself praying again because of
25 him."

1 I, as well as many others, have witnessed the tremendous
2 amount of good that this individual has done, both abroad and
3 locally. He served his country faithfully in the military.
4 He's committed no prior crimes. And at his age anything short
5 of a lengthy sentence is a life sentence for him. And for
6 this, Your Honor, I ask for leniency in his sentence.

7 Thank you.

8 THE COURT: Thank you, sir.

9 Any cross?

10 MS. HAINES: No, Your Honor.

11 MR. PASSARELLO: We'd call Cynthia Howard.

12 CYNTHIA HOWARD, DEFENDANT'S WITNESS, SWORN

13 DIRECT EXAMINATION

14 BY MR. PASSARELLO:

15 Q. Would you state and spell your full name for the record.

16 A. Cynthia Howard, C-Y-N-T-H-I-A, H-O-W-A-R-D.

17 Q. Where do you currently reside?

18 A. 407 Village Street in Windber.

19 Q. This is your opportunity to speak to the Court.

20 A. Thank you.

21 Good morning, Judge Gibson. I'm here today to speak on
22 the behalf of my uncle, Joseph D. Maurizio, Jr. I want to
23 tell you of my life with him.

24 Growing up our family was always very close. We
25 celebrated every holiday, every birthday, every special event

1 together. My Uncle Joe was the best uncle there was. He was
2 fun, loving, and we always knew he would be there for us.

3 He was one of our main babysitters when I was little.
4 There was a time when we were running all over the house and
5 we jumped on my mother's favorite couch, tipped it over, and
6 broke the leg. Of course, I started crying because she was
7 going to be so mad, but Uncle Joe said, "no worries." He went
8 outside, got a brick, and put it underneath. Years went by
9 before my mother ever noticed, and by that time it was so
10 funny she never became upset.

11 Growing up, he had a travel business which allowed him to
12 go anywhere in the world he wanted, and he did just that. I
13 still have my wonderful doll collection. He would bring a
14 doll home from every country he would travel to. I have used
15 it in show and tell many times growing up. It is very special
16 to me.

17 After all of our years of pranks and fun, he came to my
18 father and said he had a calling from God to become a priest.
19 Our family was so proud. He worked hard for many years to
20 achieve his goal. That only added to the wonderful things
21 that he did for us.

22 I always told him I could never call him Father Maurizio;
23 he would always be my Uncle Joe to me. And I never did. I
24 was and still am very proud to tell people that he is my
25 uncle.

1 He baptized both of my boys, his nephews, into the
2 Catholic faith. He assisted in both of their First Holy
3 Communion events, as well as their Confirmation. He was so
4 proud of the fact that we chose to send them to a Catholic
5 school.

6 Both Connor and Jared love their uncle dearly. Connor
7 was even planning to go on a mission trip with my uncle, the
8 Vena family and their daughter Aubrey, who was a good friend
9 of Connor's, to Honduras. Unfortunately, he did not apply for
10 his passport in enough time.

11 Both of the boys enjoyed hearing of his travels to these
12 countries to help the poor families and children have hopes
13 for a better life.

14 Uncle Joe had a number of parishes he worked while living
15 in the Johnstown area. I have spoken with so many people who
16 love and support him for everything he has done.

17 Both of my boys volunteered numerous times at his last
18 parish for the turkey dinners, Knights of Columbus dinners,
19 and many sponsored events. Uncle Joe even sponsored a high
20 school dance because a nearby school would not allow any
21 religious songs or decorations of any kind, and the teenagers
22 were all very upset. My son Connor attended this dance.

23 Uncle Joe was always helping anyone who was in need. He
24 took care of my grandma, his mother Viola, until her passing.
25 The boys and I would visit weekly to the rectory. He was a

1 wonderful son. She was very blessed to have him, and we are
2 all blessed to have him.

3 Holidays have not been the same since he has been gone.
4 This has been very devastating to our family. I ask today
5 when sentencing my uncle, please take into consideration his
6 age and failing health. Please put him in a facility that is
7 close so that we can take our mother and father and aunt to
8 visit him. They are older, and it would be a hardship on them
9 to travel a long distance. It is difficult enough that he
10 isn't home with us now to be able to possibly assist in other
11 family marriages, baptisms, and confirmations.

12 Through all of this my uncle's faith has not wavered. He
13 is stronger than all of us combined. He believes in God, the
14 truth, and our family.

15 Thank you very much.

16 THE COURT: Thank you.

17 Attorney Haines.

18 MS. HAINES: Nothing, Your Honor.

19 THE COURT: You may be seated, please.

20 MR. PASSARELLO: We would call Dan Thomas, Your
21 Honor.

22 (The witness was placed under oath by Courtroom
23 Deputy Gorgone.)

24 DAN THOMAS, DEFENDANT'S WITNESS, SWORN

25 DIRECT EXAMINATION

1 BY MR. PASSARELLO:

2 Q. Mr. Thomas, would you state and spell your full name,
3 please, for the record.

4 A. Daniel Thomas. D-A-N-I-E-L, T-H-O-M-A-S.

5 Q. And where do you currently reside?

6 A. My address is 1921 Saylor School Road in Thomas Mills,
7 Pennsylvania.

8 Q. This is your opportunity to speak.

9 A. Thank you.

10 Good morning, Your Honor. My name is, as I said, my name
11 is Daniel Thomas. My wife, Faith, and I operate the Thomas
12 Mills Agway. We have known Father Maurizio for about
13 30 years. We've never been parishioners of Father Joe. Our
14 relationship is that of a deep and respectful friendship.

15 It's been with a heavy heart that I've watched events
16 over the past year and a half and their effects on him and
17 those who care about him. And because of our relationship, I
18 feel compelled to write and to make this request for
19 sentencing leniency.

20 Over the past 30 years Father Joe's been a guest at my
21 farm many, many times. And as with Dr. Vena, my three
22 children have grown up with him, and their affection for him
23 is similar to that of Dr. Vena's children.

24 It's unfathomable to me personally that he has been
25 convicted of sexual crimes against children. I know several

1 men who are actually child molesters, and Joe does not fit the
2 profile, in my opinion. And I believe he is innocent. But
3 since a jury has convicted him, those of us who care about him
4 must ask you for leniency in his sentencing.

5 The money that Father Joe has invested in the early 1980s
6 as a successful businessman before he became a priest has
7 grown dramatically, as anyone who has had that experience.
8 That money will surely be gone by the time this is over, and
9 Joe never used any of that money to live lavishly. And having
10 to spend it all on his defense is, in my view, a victory for
11 the state, and no small punishment for Father Joe.

12 I believe that no matter how hard they try -- and this is
13 a personal belief -- but I believe that no matter how hard
14 they try, in this day and age a jury is unlikely to be able to
15 be completely impartial when a Catholic priest is charged with
16 sex crimes. I can't help believe that this has been a factor
17 in Father Joe's conviction.

18 I ask that you take into account his age and his physical
19 condition. A long sentence will be a death sentence for him.
20 I'm shocked when I visit him in prison and see how this once
21 vibrant, hale, and irrepressible man has now become. It's
22 hard for me to see God's plan in this, Your Honor. I hope and
23 pray that you perceive leniency as a part of His plan.

24 Thank you.

25 THE COURT: Thank you.

1 Attorney Haines.

2 MS. HAINES: No questions, Your Honor.

3 MR. PASSARELLO: We would call Loretta Jean Tay.

4 (The witness was placed under oath by Courtroom
5 Deputy Gorgone.)

6 LORETTA JEAN TAY, DEFENDANT'S WITNESS, SWORN

7 DIRECT EXAMINATION

8 BY MR. PASSARELLO:

9 Q. Would you state and spell your full name for the record,
10 please.

11 A. My name is Loretta Jean Tay. Loretta, L-O-R-E-T-T-A,
12 Jean, J-E-A-N, Tay, T-A-Y.

13 And I am here on behalf -- it is my duty to be here on
14 behalf of an accused -- falsely accused -- priest, and Father
15 Joe Maurizio.

16 I am a retired junior and senior high school teacher.
17 Having taught 30 years in the United School District in
18 Armagh, Indiana County, Pennsylvania, my first personal
19 meeting with Father Joseph Maurizio was in 2003, when he was
20 acting supervisor of volunteers in a pastoral care, now
21 spiritual care department of Conemaugh Valley Memorial
22 Hospital in Johnstown.

23 We, as pastoral care, spiritual care visitors took
24 patients, were attentively instructed in our mission of
25 offering comfort, consolation, hope, and yes, even joy to the

1 ailing and dying patients.

2 Also at that time, Father was overseeing the operation of
3 the Humanitarian Interfaith Ministry, which he established in
4 the Honduras, having been motivated only by compassion. His
5 mission of compassion, which ultimately expanded to some ten
6 different Latin American countries, provided for the physical,
7 as well as the intellectual and spiritual needs of children
8 who are abandoned, neglected, and forgotten by the global
9 community.

10 Through the ministry's periodic newsletters, I became
11 further acquainted and impressed with Father's work of hope
12 and justice. I continue to support this aid to the poorest of
13 the poor, because I agree with Father that all human beings
14 have God-given inalienable rights.

15 Thank you for letting me speak, Your Honor.

16 THE COURT: Thank you.

17 Attorney Haines.

18 MS. HAINES: Nothing, Your Honor.

19 MR. PASSARELLO: We'd call Kevin Koclick.

20 (The witness was placed under oath by Courtroom
21 Deputy Gorgone.)

22 KEVIN KOCLICK, DEFENDANT'S WITNESS, SWORN

23 DIRECT EXAMINATION

24 BY MR. PASSARELLO:

25 Q. Would you state and spell your full name, please.

1 A. Kevin Koclick. K-E-V-I-N, K-O-C-L-I-C-K.

2 Q. Where do you currently reside?

3 A. 106 Shaw Road, Stoystown, Pennsylvania.

4 I first met Father Joe when he became pastor of Our Lady
5 Queen of Angels parish about 13 years ago. I was only
6 15 years old at the time. I got to know Father very well
7 through being an altar server at the parish and serving at the
8 majority of the funerals during that period.

9 My first teachable moment with Father, there was no
10 lecturer at a funeral mass, and Father taught me very quickly
11 how to read while maintaining eye contact with a crowd, while
12 holding your place in a passage. I'm reminded of that every
13 time I read out loud, especially today.

14 When I was a senior in high school and was looking for an
15 idea for a graduation project, Father suggested that I travel
16 with him to Honduras with his mission team. I did, and it was
17 the most humbling experience of my life.

18 Father taught me what it really meant to be generous and
19 to care for the poor through his actions. It was very clear
20 to me that his prerogative was to help those who cannot help
21 himself. I traveled with Father on multiple occasions to
22 Honduras, but I'll never forget the first time that I arrived
23 at the mountain orphanage. Every child was down at the gate
24 when we arrived. The children mobbed Father with hugs.

25 In the three times that I traveled with Father to the

1 missions in Honduras, in 2006, 2007, and 2009, I saw a man who
2 made his life's work caring for helpless children and making a
3 positive difference.

4 Following those trips, I personally uploaded photos taken
5 from Father's camera on his computers in the church rectory.
6 Father wanted to look through the pictures and liked what he
7 had wanted on the website, but he didn't know how to view them
8 on the computer. So I had to print out every photo for him on
9 paper, about 20 per page, and he would go through and circle
10 in pencil the ones that he liked.

11 I also helped doing the website for Father's mission.
12 This was the long process that we would argue about. I could
13 never win an argument with Father because he'd always just
14 say, Kevin, I am old enough to be your grandfather. And I
15 know he wouldn't like me to say it out loud, because that
16 would make him sound old, but I did and I still do think of
17 Father Joe as a grandfather figure. He always gave me good
18 advice. He knew whenever I was upset about something. He
19 could always cheer me up with a joke. We would poke fun of
20 each other and laugh about it.

21 I spent a lot of hours working around the church, mostly
22 in the summers when I was in college when Father was the
23 pastor, and it always felt like a second home to me. Father
24 made it that way. Everybody who worked around the rectory
25 felt welcome there.

1 There were things that Father would do that would get on
2 my nerves, like when he would explain that the grass was too
3 high and it needs cut right this second. But then he wouldn't
4 let me start until I ate a three-course meal that he prepared.
5 Everybody there had to eat with Father; you didn't have a
6 choice. He wanted to share a meal with those in his life as
7 often as he could, and that is something that I really miss.

8 I have to laugh about all food that Father pushed on me
9 throughout the years. Father once overheard my younger
10 brother say that he liked pumpkin pie, and he wound up giving
11 us a pumpkin pie to take home every week for about six months.

12 We also learned not to let Father know that when you were
13 sick with a cold or the flu, or else he would give us about
14 five gallons of homemade chicken soup to take home. It was
15 good soup, but you'd be eating it for breakfast, lunch, and
16 dinner for a few weeks.

17 That's the Father Joe I know. The guy who is generous to
18 a fault. A guy who was insufferable at times because of his
19 grandiose ideas, but his heart was always in the right place.
20 And the guy that would always brighten your day with his quick
21 wit. Father may not be perfect, but I can only wish to be
22 half the man that he is. He always, always, always put
23 others' needs in front of his own.

24 Some people may not like Father. Some people may even
25 hate Father. But anyone who has ever met Father would never

1 say that he is anything other than an honest, generous human
2 being or they'd be lying. It's very difficult for me to sum
3 up in a couple of sentences the amount of gratitude I have and
4 admiration that I have for Father. I'm saying that I'm lucky
5 and blessed to have him in my life.

6 Thank you, Your Honor.

7 THE COURT: Thank you.

8 Attorney Haines.

9 MS. HAINES: No questions, Your Honor.

10 MR. PASSARELLO: We'd call Karen Sroka.

11 (The witness was placed under oath by Courtroom
12 Deputy Gorgone.)

13 KAREN SROKA, DEFENDANT'S WITNESS, SWORN

14 DIRECT EXAMINATION

15 BY MR. PASSARELLO:

16 Q. Would you state and spell your name for the record,
17 please.

18 A. Karen Sroka, K-A-R-E-N, S-R-O-K-A. And I live at 275
19 Rambler Road in Windber.

20 Good morning, Your Honor. I've known Father Joe since
21 the 1980s when he became a good friend to my parents, Deacon
22 John Sroka and Marian Sroka. My mom is here with me today to
23 show her support for Father Joe because he's like family to
24 her. And at 88, she is still a believer in Father and prays
25 daily for his health and well-being.

1 My father had resurrected the St. Vincent DePaul Society
2 in Johnstown, along with my mom's help. And Father Joe became
3 the spiritual advisor for St. Vincent dePaul, and the personal
4 spiritual advisor for both my parents. He frequently visited
5 their home. I lived next-door, and was included in the
6 dinners and visits.

7 My two young sons were also there throughout that time,
8 until they left for college in the early 2000s. I never once
9 felt that there was any threat to my children. Father Joe was
10 always respectful and congenial. He would greet the boys, ask
11 a few questions about school or sports, but primarily his
12 conversations were with my parents about the church, St.
13 Vincent dePaul, and later about his missions to Central
14 America.

15 Initially, he started mission work with his Banana
16 Project through St. Vincent dePaul. Clothes were collected to
17 fill banana boxes for shipping to Honduras. Eventually this
18 project expanded, and I recall mission trips with doctors and
19 other medical persons to treat the people who lived in the
20 area where he traveled.

21 It was very common for high school students or college
22 students from around Johnstown to join this mission trip in
23 the summer. My son, who was hoping for a dental career at
24 that time, considered going along. There were never any
25 questions about the teens' welfare, and the people were always

1 eager to help.

2 This was the beginning of the HIM Ministry, which my
3 father did his best to help Father set up. Both my parents
4 and I contributed to his efforts. Father Joe confided in my
5 dad and mom about the business side of the ministry, keeping
6 records of donations, activities, and the problems in dealing
7 with the corrupt Honduran government.

8 There were also a few local boys who helped Father Joe
9 pick up donations at people's homes around Johnstown. They
10 would arrive in a used van together to load up the items.
11 Again, I never heard of any concerns or complaints about the
12 relationship between Father and the boys. I saw them interact
13 together on several occasions. It all seemed fine. There was
14 no tension evident.

15 When my father had his first cardiac arrest and was in
16 the emergency room, my mom asked me to call Father Joe. As
17 soon as he arrived my dad, who was barely able to speak and
18 saw Father with a look of relief to have him by his side.
19 Father Joe later spoke at my dad's funeral, fulfilling a
20 request which my dad had made since his death.

21 I have known Father Joe to be a good and faithful servant
22 of God, his church, his community, the people of Honduras, and
23 my family. I never once doubted his drive to help the people
24 of Honduras.

25 Although I manage a real estate company, I was trained as

1 a registered nurse. I've taken classes on sexual predators,
2 and the care that must be taken by medical and psychiatric
3 counselors in dealing with the victims, because it is easy to
4 plant ideas about what happened or ask leading questions that
5 result in false testimony.

6 In today's world when someone mentions Catholic priests
7 and pedophile in the same sentence, the general public
8 automatically rushes to the conclusion that it is true.
9 Priests have been branded, regardless how farfetched the
10 accusations. This is similar to ex-wives who claim their
11 former husbands are sexually molesting the kids just so they
12 can have full custody and the husbands are kept out. Right
13 from the start, men have an uphill battle fighting these
14 allegations.

15 Father Joe is now in his 70s. I will never believe that
16 this good and decent man spent most of his adult life waiting
17 to become a pedophile in his late 60s. He became a priest,
18 took a vow of celibacy, and built an orphanage in another
19 country decades later, just to molest two young men? That's
20 absurd. It defies all rational thought. It is not the Father
21 Joe I love and respect.

22 I'm hopeful, Your Honor, that you will consider this
23 thoughtfully when considering Father Joe's sentence. In
24 today's world, Father Joe is needed in the community and not
25 in a cell.

1 Thank you for listening.

2 THE COURT: Attorney Haines.

3 MS. HAINES: Nothing, Your Honor.

4 MR. PASSARELLO: Your Honor, we only have two more
5 witnesses.

6 We would call Rosemary DiLoreto.

7 (The witness was placed under oath by Courtroom
8 Deputy Gorgone.)

9 ROSEMARY DILORETO, DEFENDANT'S WITNESS, SWORN

10 DIRECT EXAMINATION

11 BY MR. PASSARELLO:

12 Q. Would you state and spell your full name for the record,
13 please.

14 A. Rosemary DiLoreto. R-O-S-E-M-A-R-Y, DiLoreto,
15 D-I-L-O-R-E-T-O.

16 Q. Where do you currently reside?

17 A. 409 Village Street, Windber.

18 Good morning, Judge Gibson. I am here today to speak on
19 my brother's behalf. I will start with his graduation from
20 high school. After high school he immediately joined the
21 Navy. Soon, he was off to Vietnam, as so many of our
22 Americans were. It was war. In Vietnam he did dangerous
23 classified work for our government.

24 After an honorable discharge from the Navy he came home
25 to us, unlike many others. He moved to Philadelphia, where

1 many of our relatives lived, and held jobs there and then
2 bought a business.

3 As time went by he began to make retreats with the church
4 involving taking care of the most severely disabled and
5 handicapped people. In time, he leaned towards the church
6 more and more.

7 I will never forget the day that he came home and said,
8 "I have made the most important decision of my life. I've had
9 a calling from God to be a priest." I wasn't surprised. I
10 saw it coming. So my brother, who was over 25, started
11 college, which he paid for himself, and graduated and went on
12 to theology.

13 He finally became a priest in our diocese. All churches
14 he served in were very rewarding experiences, as he helped
15 many people and made a lifetime of friends. He served seven
16 or eight churches in our diocese as a parochial vicar. But
17 when he received his orders to go to Our Lady Queen of Angels
18 Church in Central City, where he was pastor and in missionary
19 work for over a decade. This was also a most rewarding
20 church, where he worked with wonderful parishioners and with
21 the children of the parish.

22 With adult supervision, he had hot dog parties, hay
23 rides, bowling parties, trips to Sea World, and trips to
24 amusement parks. He also worked with the Boy Scouts and many
25 other children-oriented activities. Everything was free for

1 the children with one stipulation; you had to attend
2 Catechism. On these trips you could bring a friend or a
3 parent. There were adults on all trips to help with the
4 children.

5 Another rewarding ministry was when he was director of
6 the campus ministry at UPJ. There he started with a handful
7 of students in a school hallway. Soon, the Wally charitable
8 trust was built for all religions. My brother moved mass
9 there, and in no time at all the chapel was full. Then they
10 had to put chairs around the back of the chapel, and they even
11 overflowed into the vestibule. There -- there was so many
12 people that came. And what a surprise to see so many students
13 at mass.

14 Father held all-nighters for the students with coffee,
15 pizza, soda, and food when they were having their finals. He
16 was always there for them.

17 Another, and perhaps more important, was head of pastoral
18 care at the Conemaugh Hospital.

19 He began talking about helping the poor children of Latin
20 American countries. And with friends, the HIM Missions were
21 formed. There were many good doctors, nurses, and caring
22 people from all around that Father knew that went with him on
23 missions.

24 Somehow he met Congressman John Murtha. John Murtha was
25 head of our appropriations in Washington, DC, and a lifetime

1 friendship was made with the congressman.

2 Congressman Murtha took soldiers to the first country my
3 brother helped, Honduras. An orphanage was built for the
4 street children and orphans. The orphans soon filled -- soon
5 filled the orphanage.

6 My brother raised hundreds of thousands of dollars, with
7 other people helping, which kept growing with the years with
8 supporters from all around the United States.

9 He always loved children. All his nieces and nephews
10 love and adore him. He never forgot where his humble
11 beginnings started, with immigrant parents from Italy who
12 became U.S. citizens, which they were so proud to be.

13 He went to many Latin American countries as a missionary,
14 some violent. My mother and I always worried. But he told us
15 he had to do this, because small children from the ages of
16 three and older were being sold as sex slaves and they were
17 starving. Once I said, "You can do mission work here, Joe."
18 He told me, "Rosemary, unless you see these countries, you
19 just cannot believe what real poor is. I have a calling to do
20 this." So it was off to Honduras first.

21 Once he gave all his clothes away because a man didn't
22 have any. Another time he gave his tent away, which he
23 bought. That tent had a zippered floor, fabric floor, because
24 there were poisonous snakes in Honduras, and my brother never
25 liked snakes. But he gave that tent to a man who didn't have

1 a home.

2 Honduras was the first country my brother went to. He
3 helped them the most, and they received much. And now they
4 have come after him in the worst way possible, with false
5 accusations.

6 When the hearings began an older couple sat behind us.
7 The gentleman tapped me on the shoulder and asked who I was.
8 I told him I was Father Maurizio's sister. He said, "When
9 Father was in our parish he helped us in our time of need, and
10 we are here today to support him."

11 Another woman from the parish called me and told me
12 Father helped her son in high school when he was having
13 problems. She has never forgotten him. Even though she has
14 left the area, she calls a lot and she tells me her son, her
15 husband, and she offers him a rosary every day after dinner.

16 A young man who attended his 25th anniversary party stood
17 up and said, "I was on the wrong path as a young boy and
18 Father helped me. I would not be where I am today if not for
19 him."

20 Last week I was getting dinner ready and my littlest
21 grandson, Cole, who's eight, follows me all around. He was at
22 the kitchen table and he was writing, and I said to him -- I
23 call him Coley; his name is Cole -- "Coley, what are you
24 doing?" He says, "Mawmaw, I'm writing a letter." And I said,
25 "Who are you writing to?" He says, "I'm writing to Uncle

1 Joe." He says, "I love him, I miss him, and I want him to
2 come home."

3 This is what my brother, Father Joseph Maurizio, is all
4 about, Judge Gibson. Please be lenient to him, for he's
5 70 years old.

6 And this is the last thing that I have to say: I pledge
7 allegiance to the flag of the United States of America, and to
8 the republic for which it stands, one nation under God,
9 indivisible, with liberty and justice for all.

10 Thank you, Your Honor.

11 THE COURT: Thank you.

12 Attorney Haines.

13 MS. HAINES: Nothing, Your Honor.

14 MR. PASSARELLO: The last witness I would call at
15 this time would be Angie Maurizio.

16 (The witness was placed under oath by Courtroom
17 Deputy Gorgone.)

18 ANGELA MAURIZIO, DEFENDANT'S WITNESS, SWORN

19 DIRECT EXAMINATION

20 BY MR. PASSARELLO:

21 Q. Would you state and spell your full name for the record,
22 please.

23 A. Angela Maurizio. A-N-G-E-L-A, M-A-U-R-I-Z-I-O.

24 Q. And where do you currently reside?

25 A. 809 Sugar Maple Drive, Winder, PA.

1 Good morning, Your Honor. Thank you for letting me speak
2 on behalf of my brother, Father Joseph Maurizio. I have
3 always admired and have been proud of my brother in many ways
4 and on many occasions. I am not ashamed of who my brother is
5 or that I am his sister.

6 How courageous he was when he was in the Navy. And when
7 he was sent to Vietnam, he carried confidential high security
8 papers while bombs were going off around him. He took many
9 slides while he was there, and had them all identified so he
10 could remember to tell our family which village he was in and
11 when. He wrote my mother often, and we weren't sure if we
12 would ever see him again. The hotel was attacked shortly
13 after he left to come back to the states, and hostages were
14 taken. God brought him back home to us because he had other
15 plans for him.

16 He worked very hard to be a top salesman for many years
17 while he lived with my parents and his godfather in
18 Philadelphia, and he continued to save his money. But my
19 brother always liked to travel and take many pictures to show
20 our family.

21 When he went to work for a travel agency, he got to
22 travel to places all over the world that he knew our family
23 would never be able to afford to go to. And we would sit for
24 hours while we would look through the pictures and listen to
25 his stories.

1 Then he bought the travel agency and continued to travel
2 and take many more pictures to share with our family. Many
3 times I wished I could see for myself the beauty of our world
4 firsthand. I only got to see it through my brother's
5 pictures. There were also many times that I couldn't -- I
6 wish I couldn't see through his eyes all the death,
7 starvation, and the way some countries live and treated their
8 people.

9 After a while he got a different calling from God so he
10 sold his travel agency to go to seminary school. I remember
11 him calling me and asking me what I thought. I told him I
12 would be supportive of any profession he chose, and if that
13 was his calling and that is what he wanted to do, I was behind
14 him 100 percent.

15 I knew this had to be hard for him because he didn't like
16 school. He was 42 years old when he became a priest, and our
17 family was proud of him, and still is to this day. I was told
18 that the secretary from our church told my mother when my
19 brother was a small boy that someday he would become a priest.

20 He attended Villa Nova University and received a bachelor
21 of arts degree in peace and justice to start his long journey.
22 He attended the University of Peruvia in Italy, and was a
23 graduate of the Washington Theological Union with a master's
24 in divinity.

25 He served many churches in the area and was director of

1 the Catholic campus ministry at the University of Pittsburgh
2 at Johnstown. He was on the peace and justice commission for
3 the diocese, where he served on the legislative awareness
4 subcommittee task force on ministry for persons with
5 disabilities, where he was also founder and spiritual advisor
6 for the handicapped encounter Christ retreat program for the
7 diocese. He was founder and spiritual advisor to the Catholic
8 young adult ministry, sponsored through the family life
9 office, a spiritual advisor to the Saint Vincent dePaul
10 society, also acted as a certified instructor to the Stevens
11 ministry, a lay ministry pastoral care for giving, training
12 programs, a member of the board of directors of mom's house
13 incorporated, Catholic core veterans of America. He was very
14 active in the Knights of Columbus, where he was chaplain of
15 Our Lady of the Alleghenies counsel and Pennsylvania state
16 chaplain of the Knights of Columbus. In 2008 he was awarded
17 the legion of honor award presented by the chapel of the four
18 chaplains.

19 My sister Rosemary and I had the honor of representing
20 our brother at the VA 50th anniversary recognition ceremony
21 luncheon at the Cambria County War Memorial on November 21st,
22 2015. He received a certificate of appreciation, a Vietnam
23 veteran lapel pin that I was honored to accept on my brother's
24 behalf.

25 The lapel pin was five distinctive symbols on the front.

1 The eagle represents courage, honor, and dedicated service to
2 our nation. As one of the most recognizable and notable
3 American symbols, it is emblazoned with distinction on
4 numerous military insignia. The blue circle matches the
5 canton of the American flag and signifies diligence,
6 perseverance, and justice. The laurel wreath is a
7 time-honored symbol representing victory and integrity. The
8 stripes behind the eagle represent the American flag. And the
9 six stars represent the six allies who served, sacrificed, and
10 fought alongside one another: Australia, New Zealand, the
11 Philippines, Republic of Korea and Thailand, and the United
12 States.

13 The message embossed on the back reads: A grateful
14 nation thanks and honors you. Where it's closest to the heart
15 of the wearer there is also a proclamation from the president
16 of the United States.

17 I have watched my brother evolve into becoming a
18 wonderful man and a priest. My brother has been around my son
19 and nieces and nephews all their lives. I have observed him
20 very closely at his masses, how he makes people laugh, and how
21 he blesses each child that comes up with their parents at
22 communion.

23 I have seen him around many adults, as well as children,
24 on many different occasions, and the compassion and faith he
25 has, and I have never heard or saw him do anything

1 inappropriate.

2 The poor children are the biggest part of the reason why
3 he got into being a priest. All he wanted to do was to help
4 them, to get them food, to educate them, to get them off the
5 streets, and off of drugs. My brother has a good heart. Just
6 like my mother, always giving.

7 Our mother had dementia for many years, and he would
8 always take our mother to dinners and events and special
9 places he was invited to. He was devoted to her.

10 He was constantly working between 50 and 60 hours a week.
11 Not only does he have a good heart, he is very frugal, like
12 both our parents. When you're raised on a farm and you don't
13 have much, you learn to do without a lot of things.

14 When he had his 25th anniversary he gave the money to the
15 orphanage to take care of the children. He didn't have to do
16 that, but he did. I have seen my brother hand off his camera
17 many times to other people, even me, to take pictures of the
18 event, because he didn't have time and he wanted to record the
19 event with pictures.

20 He took both my parents back to Italy to see relatives we
21 still have there, and to show our parents the houses they live
22 in. On one visit my father and mother were invited in to see
23 the inside of a house where my mother lived as a little girl.
24 Their houses were still standing. My parents were so excited
25 to tell us about the trip. And, of course, there were many

1 more pictures.

2 My godson took a trip with my brother to New York. And I
3 remember him telling me that he didn't realize there were so
4 many churches. And again, many more pictures.

5 I have seen my brother do much good over the years for so
6 many poor and hungry people and children of this world that
7 had lost hope, that were starving, had no roof over their
8 head. I remember he gave his tent to a man who had no place
9 to live on one of his trips. My sister bought him a new one
10 and told him not to give that one away. It was just in his
11 nature to help people.

12 My brother got special permission from the bishop to let
13 our mother stay with him at the rectory where she was -- when
14 she was no longer able to stay at the farm herself.

15 I remember one of my mother's caregivers -- she had known
16 my mother since she was 17 -- telling me that one night she
17 stayed over at the church in my mother's room, where there was
18 a small living space on the other side of the closet, where
19 she had slept on the loveseat that night. She got up in the
20 middle of the night to go to the bathroom, and when she turned
21 the corner she stopped dead in her tracks. My brother had set
22 up a cot next to our dying mother's bed and was holding her
23 hand. She couldn't get around them, and she wasn't going to
24 disturb them.

25 When our mother died in 2009 our caregiver was later

1 diagnosed with cancer. She had no family, and it wasn't my
2 brother's responsibility to take care of her, but he did. The
3 house she lived in was a shambles, so he found her a place to
4 live and provided for her. He would bring her to dinner and
5 our family gatherings all the time, and we loved her. When
6 she died my brother took care of all the funeral arrangements
7 and the headstone.

8 My brother is not the monster the government insists that
9 he is. I believe my brother, in his innocence, and he is true
10 to his vows and always has been, even to this day. Just
11 because he is a Catholic priest doesn't make him guilty, as a
12 lot of people in our society have categorized all priests to
13 be. I now believe my brother is a political prisoner, someone
14 to be made an example of.

15 My brother, close family, friends and family that have
16 known him for a very long time have grown stronger in faith
17 with my brother. I have talked to many people that don't even
18 know my brother, and they believe in his innocence. We will
19 never give up hope that the truth will come out, and that we
20 can bring my brother home safely to us.

21 My sister Rosemary and I -- she's 74, I'm 63 -- we ask
22 that the Court take mercy on my brother and not give him the
23 maximum sentencing. We would like our brother to be home with
24 us, may God have another plan for him. We ask that my brother
25 possibly can be kept close by so we can maybe see each other

1 until the end of our time together.

2 Be not afraid. I go before you always. Come follow me,
3 and I will give you rest.

4 I am the proud sister of Father Joseph Maurizio.

5 I love you, Brother.

6 Thank you for your time and patience, Your Honor.

7 THE COURT: Thank you.

8 MS. HAINES: No questions, Your Honor.

9 MR. PASSARELLO: Your Honor, that would be all the
10 witnesses we would have.

11 THE COURT: The defendant may return to the
12 lectern, please.

13 Attorney Passarello, you may continue.

14 MR. PASSARELLO: Thank you, Your Honor.

15 In light of what's all been said and already been
16 filed in my position for sentencing factors, I'll be as brief
17 as I can.

18 As I was watching the TV recently I noticed that a
19 specific movie won the academy award. And I watched the
20 impeccable and predictable timing of the attorney general's
21 statements yesterday. It reminded me of something that a
22 judge told me a long time ago at a sentencing, "had a lot of
23 water to push uphill."

24 I believe firmly that the guideline range in this
25 case is inappropriate. I believe that there are factors that

1 the Court should consider in varying from those guidelines
2 drastically.

3 If the Court takes a look at what we're here on
4 today, my client stands before this Court for a small moment
5 in time. If you believe the indictment, it's February to
6 March of 2009. If you believe the witnesses, it was one day
7 or even less than one day in 2009. Granted, it's one heck of
8 a day, but I believe that the Court has to balance, and I
9 believe the Court has to weigh factors and balance.

10 I think you need to balance a lifetime -- a
11 lifetime -- of good works of this man. Military service for
12 our country; received an award from the United States
13 Government, the four chaplains award, which is one of the
14 greatest honors bestowed upon any individual in this country.
15 He received that from Congressman Murtha.

16 He spent his entire life after his military service
17 and his education as a priest with not one iota or whisper of
18 a problem. No prior criminal history, fully educated, does
19 everything that his family says he did, helped children, spent
20 thousands -- millions -- on helping these kids.

21 I specifically refer the Court to the defendant's
22 age, his health, his vulnerability or victimization of abuse
23 in prison because of his position as a Catholic priest.

24 I refer this Court to his otherwise outstanding
25 character. There's been nothing beyond what this

1 February/March 2009 talks about. His lack of criminal
2 history, his good deeds, his past integrity, his exceptional
3 community service, his past military service. All factors,
4 Judge, that I believe this Court can consider in a variance of
5 the guidelines.

6 I understand the enhancements. And yes, they are
7 permissible, which is a term that's been used a lot in this
8 case. But those enhancements, the base -- the base level is a
9 24. The base level for these crimes command a guideline
10 sentence of 51 months to 63. When you pile on everything
11 else, it brings us to 27 years. That cannot be right.

12 Before I end, I just want to say that when I told
13 the jury that it was my honor and privilege to represent this
14 man, I truly meant that. I've known Father Joseph Maurizio
15 for about seven years now, since I undertook this task, and I
16 found him to be what everybody in his family said he was. I
17 apologize to him for not being able to do more.

18 Abraham Lincoln said that he found that mercy bore
19 more fruit than strict justice. All I can ask this Court to
20 do is to fashion a sentence that tempers justice with mercy.

21 Thank you.

22 THE COURT: Does the defendant wish to address the
23 Court?

24 MR. PASSARELLO: Your Honor, on advice of his lead
25 appellate counsel, he does not.

1 THE COURT: All right. Thank you. You may be
2 seated then.

3 The government may present its arguments with
4 regard to sentencing.

5 MS. LARSON: Good afternoon, Judge.

6 First I'd like to address Mr. Passarello's argument
7 to this Court for a variance. It's the government's position
8 that the defendant's actions in this case are not one small
9 day or one small snapshot in time.

10 It's true that while the sex acts of this defendant
11 perpetrated against innocent, defenseless minors may have
12 occurred on one of his many trips to Honduras, perhaps only
13 occurring on one day, it took years for the defendant to lay
14 the groundwork. It took years and several trips of money
15 poured into this organization to gain the trust and unfettered
16 access that he had. The rules simply didn't apply to him
17 because of all the money that he had donated to this
18 organization. That took years to build that level of trust
19 and access.

20 And it certainly also was perpetrated against these
21 children over the course of many years. This Court saw the
22 evidence that was introduced, the physical, the documentary
23 evidence, including dozens upon dozens of pictures which show
24 this defendant's longstanding sexual interest in children.
25 Pictures dating back as early as 2002 of children, some very

1 young, in various states of undress or fully nude.

2 You saw numerous pictures that this defendant had
3 directed children to lift up their shirts to show off their
4 abdomens, or had instructed them to pose flexing their
5 muscles. Pictures that he took alone inside the dorm rooms of
6 these children.

7 All of that, all of these years of visits, all of
8 the time, the attention, the money, the candy, the gifts, all
9 of that is grooming behavior, classic grooming behavior, that
10 put this defendant in a position where he was able to take
11 advantage of these boys that could not defend themselves. And
12 he was able to perpetrate the horrific acts that he now stands
13 convicted of.

14 The defendant has already gotten a benefit from his
15 lack of criminal history, that was of course factored into the
16 guidelines calculation. He stands with a criminal history
17 number one. He shouldn't get double credit for that now. It
18 is not the appropriate basis for a variance.

19 In the government's sentencing memorandum we
20 addressed all of the reasons why age should also not warrant a
21 variance in this case. Citing, of course, the high risk of
22 recidivism for child offenders, including those that are
23 convicted of both hands-on offenses, as well as child
24 pornography offenses, those pose a severe and greater risk of
25 recidivism, as well as the fact that this defendant committed

1 these crimes while he was already in his mid 60s.

2 So his age did not prohibit or prevent him from
3 committing the crime, he shouldn't stand to gain a benefit
4 from it now. Nor should he benefit from the fact that it took
5 as long as it did, over five years, to actually bring justice
6 to these victims.

7 Now, Judge, you've read the government's sentencing
8 memo with all of our arguments at this point in time why a
9 sentence of 365 months is reasonable, necessary, and
10 appropriate in this case. In light of the Court's amended
11 guidelines calculation, we are now asking for a sentence of
12 327 months.

13 But beyond just the arguments in our papers, Judge,
14 you presided over this trial. You heard the overwhelming
15 evidence of this offender's guilt, the physical evidence, the
16 documentary evidence, the photographs. You had the
17 opportunity to observe the testimony of all the witnesses and
18 assess the credibility, as the jury did, which included the
19 testimony of two victims, Otoniel and Erick.

20 To say that the crimes this defendant stands
21 convicted of are serious is an understatement. The sexual
22 abuse of any child is a horrific and heinous crime which cries
23 out for stringent punishment, but the circumstances here are
24 so truly horrific that they've set this case apart, and what
25 makes this defendant's actions all the more appalling.

1 This defendant is a predator. He shamelessly
2 preyed upon the good will and generosity of members of this
3 community. He took their money and their donations under the
4 guise that he was performing humanitarian missionary work in a
5 country that was in complete crises.

6 And any financial contributions that he provided to
7 ProNiño, all of those are tainted, Judge, by the defendant's
8 true motives in doing so. He used those donations, as the
9 government has argued, to build the trust and the dependance
10 of the staff and the owners of ProNiño at that time, the
11 Meullers, who were overseeing this organization. And he used
12 his position as "the money man" to gain unfettered access to
13 and to sexually abuse the most vulnerable victims imaginable.

14 And that's who Otoniel and Erick were. They were
15 completely vulnerable children who had been abandoned,
16 orphaned, they'd been forced to live on the street, they've
17 been subjected to abuse. And yet somehow, some way they found
18 their way to ProNiño, a place where they were supposed to be
19 safe from danger. But they weren't safe.

20 And as you learned over the course of the eight-day
21 trial we had here, the defendant ruthlessly exploited the
22 terribly sad situation these children found themselves in, and
23 he did so for his own sexual gratification.

24 It is quite simply despicable that this offender
25 took advantage of these children's extreme poverty in the way

1 that he did. He knew that these boys were desperate for
2 money, for candy, and toys. We take those items for granted,
3 but those were luxury items to those boys. And the fact that
4 this offender threw very small amounts of money at children in
5 order to engage in sex acts with them is too horrendous to put
6 into words.

7 We are not here today because anyone is jealous of
8 the defendant. We're not here because of any amount of money
9 that he may have had, and has subsequently transferred away.
10 That's preposterous. We're not here because the Honduran
11 government or Honduran children came after this defendant.
12 That's ludicrous. And the defendant was not convicted because
13 he's a priest. And make no mistake about it, he is certainly
14 not a political prisoner. He is not here today standing in
15 front of you because he criticized or protested against the
16 government. We are here today because this offender sexually
17 abused two boys.

18 Now, we're not here because he was convicted simply
19 because he's a priest, but certainly the fact that he was a
20 priest is relevant to the sentence the Court fashions today.
21 As a priest, he held a position of power and utmost trust. He
22 betrayed the trust of the members of the community who donated
23 to his charity, his parishioners, the staff and the board of
24 ProNiño. And, most importantly, he betrayed the trust of the
25 children. The magnitude of this defendant's abuse of his

1 position of trust and power is too great to even comprehend.

2 Perhaps what's even most upsetting about all of
3 this is that the defendant stands before this Court without
4 having taken any responsibility for the criminal conduct that
5 he perpetrated against these boys. He has shown zero remorse
6 for his actions. Absolutely no empathy for the devastating
7 impact that his crimes have had on the victims in this case.
8 He has caused them immeasurable psychological trauma and
9 scars, will never be able to fully compensate these boys for
10 the damage that the defendant has caused.

11 In fact, it's quite remarkable that given
12 everything that these victims went through, from the time that
13 they were on the streets to the abuse that they suffered at
14 the hands of the defendant, that they were able to do what
15 they did during this trial. They came here, and through
16 embarrassment, shame, and fear they told their stories. And
17 not one of the victims or witnesses that testified described
18 this man as an honest, trustworthy, or decent man. In fact,
19 it was quite the opposite.

20 The sentence that the Court imposes today must be
21 sufficiently stringent to promote respect for the law, to
22 deter the defendant's future conduct, as well as to send a
23 message to others who seek to exploit the most vulnerable
24 members of our society.

25 It also must be just punishment. And justice for

1 these victims is not reflected in a sentence that varies
2 drastically, as defense counsel asks for, from the guidelines.
3 Such a sentence would fail to satisfy or comply with any of
4 the factors enumerated in Section 3553(a).

5 Instead, after using the defendant's guidelines as
6 a starting point, and after considering all the factors
7 enumerated in 3553(a), a sentence of 327 months is clearly
8 warranted, reasonable, and appropriate, given all the facts
9 and circumstances of this case.

10 THE COURT: Anything further, Attorney Larson?

11 MS. LARSON: No, Judge.

12 THE COURT: Attorney Haines?

13 MS. HAINES: No, Your Honor.

14 THE COURT: Mr. Passarello?

15 MR. PASSARELLO: No, Your Honor.

16 THE COURT: If you would return to the lectern,
17 please.

18 Mr. Passarello, is there any reason why sentence
19 should not now be imposed?

20 MR. PASSARELLO: No reason from the defense, Your
21 Honor.

22 THE COURT: First I will deal with the motion for
23 variance. I am going to grant the motion for variance, and it
24 will be reflected in the sentence that is imposed.

25 Pursuant to the Sentencing Reform Act of 1984, it

1 is the judgment of the Court that the defendant, Joseph D.
2 Maurizio, Jr., is hereby committed to the custody of the
3 Bureau of Prisons to be imprisoned for a term of 200 months.

4 The Court recommends that the designation by the
5 Bureau of Prisons be to a facility geographically close to the
6 Johnstown, Pennsylvania, area.

7 The sentence of 200 months of imprisonment consists
8 of 200 months at Counts 1 and 3, 120 months at Count 2, and
9 200 months at Count 8, all to run concurrently.

10 Upon release from imprisonment, the defendant shall
11 be placed on a term of supervised release for a term of life.

12 Within 72 hours of release from the custody of the
13 Bureau of Prisons the defendant shall report in person to the
14 probation office in the district to which the defendant is
15 released.

16 While on supervised release the defendant shall not
17 commit another federal, state, or local crime; shall comply
18 with the standard conditions of supervision recommended by the
19 United States Sentencing Commission and adopted by this Court;
20 and shall comply with the following additional conditions:

21 The defendant shall not illegally possess a
22 controlled substance.

23 The defendant shall not possess a firearm,
24 ammunition, destructive device or any other dangerous weapon.

25 The defendant shall report any change of address

1 within 30 days to the United States Attorney's Office while
2 any portion of restitution remains outstanding.

3 The periodic drug testing mandated by the Violent
4 Crime Control and Law Enforcement Act of 1994 is hereby
5 waived. The Court finds that this offense is not drug
6 related, and the defendant has no current or past history of
7 substance abuse.

8 The defendant is prohibited from incurring new
9 credit charges or opening additional lines of credit without
10 prior written approval of the probation officer.

11 The defendant shall pay restitution that is imposed
12 by this judgment that remains unpaid at the commencement of
13 the term of supervised release at a rate of not less than 10
14 percent of his gross monthly earnings. The first payment
15 shall be due within 30 days from the defendant's release from
16 the custody of the Bureau of Prisons.

17 The defendant shall submit his person, property,
18 house, residence, vehicle, papers, business, or place of
19 employment to a search conducted by a United States probation
20 or pretrial services officer at a reasonable time and in a
21 reasonable manner, based upon reasonable suspicion of
22 contraband or evidence of a violation of a condition of
23 supervision. Failure to submit to a search may be grounds for
24 revocation.

25 The defendant shall inform any other residents that

1 the premises may be subject to searches pursuant to this
2 condition.

3 The defendant shall provide the probation officer
4 with access to any requested financial information.

5 The defendant shall cooperate in the collection of
6 DNA as directed by the probation officer.

7 The defendant is permitted to possess or use a
8 computer and is permitted access to the internet. However,
9 the defendant is not permitted to use a computer or electronic
10 communication or data storage device, including a cell phone,
11 to access child pornography or to communicate with any
12 individual or group for the purpose of promoting sexual
13 relations with children.

14 The defendant shall consent to the installation of
15 any hardware or software to monitor any computer or other
16 electronic communication or data storage devices used by the
17 defendant to confirm compliance with this condition.

18 The defendant shall pay the monitoring costs as
19 directed by the probation or pretrial services officer.

20 Furthermore, the defendant shall consent to
21 periodic unannounced examinations by the probation or pretrial
22 services officer of any computers, cell phones, or other
23 electronic communication or data storage devices that the
24 defendant has access to to confirm compliance with this
25 condition.

1 Additionally, the defendant shall consent to the
2 seizure and removal of hardware and data storage media for
3 further analysis by the probation or pretrial services
4 officer, based upon reasonable suspicion of a violation of the
5 conditions imposed in this case or based upon reasonable
6 suspicion of unlawful conduct by the defendant.

7 Failure to submit to the monitoring or search of
8 computers or other electronic communication or data storage
9 devices used by the defendant may be grounds for revocation.

10 The defendant shall provide the United States
11 Probation Office with accurate information about the
12 defendant's entire computer system, hardware, or software, and
13 other electronic communication or data storage devices or
14 media, to include all passwords used and the name of the
15 internet service provider.

16 The defendant shall also abide by the provisions of
17 the computer restrictions and monitoring program approved by
18 the Court.

19 The defendant shall not possess or access with
20 intent to view any materials, including pictures, photographs,
21 books, writings, drawings, videos, or video games depicting
22 and/or describing child pornography, as defined in 18 United
23 States Code, Section 2256(8), or obscene visual
24 representations of the sexual abuse of children as defined at
25 18 United States Code, Section 1466(a).

1 With the exception of brief unanticipated and
2 incidental contacts, to include the defendant's place of
3 employment and/or volunteer activity, the defendant shall not
4 associate with children under the age of 18 except in the
5 presence of an adult who is aware of the nature of the
6 defendant's history, characteristics, and convictions, and has
7 been approved by the probation officer.

8 The defendant shall participate in a mental health
9 and/or sex offender treatment program approved by the
10 probation officer until such time as the defendant is released
11 from the program by the Court.

12 The defendant shall abide by all program rules,
13 requirements, and conditions of the sex offender treatment
14 program, including submission to polygraph testing. Said
15 testing shall continue throughout the term of supervision in
16 order to monitor and ensure compliance with the conditions of
17 supervision.

18 Further, the defendant shall be required to
19 contribute to the costs of services for any such treatment in
20 an amount determined by the probation officer, but not to
21 exceed the actual cost. The probation officer is authorized
22 to release the defendant's presentence report to the treatment
23 provider if so requested.

24 As required by 18 United States Code,
25 Section 3563(a)(8) and 3583(d), and the Sex Offender

1 Registration and Notification Act, known as SORNA, 42 United
2 States Code, Section 16901 et sec, the defendant shall report
3 the address where he will reside and any subsequent change of
4 residence to the probation officer responsible for the
5 defendant's supervision and, further, shall register as a
6 convicted sex offender in any state where he resides, is
7 employed, carries on a vocation, or is a student.

8 The defendant shall not enter into a rental
9 agreement and/or purchase computers, cell phones, or
10 electronic communication or data storage devices without the
11 consent of the probation officer.

12 Furthermore, the defendant shall not make excessive
13 and/or unexplained purchases of items ordinarily related to
14 children under the age of 18 without approval of the probation
15 officer.

16 The defendant shall not frequent and/or loiter
17 within 500 feet of places where children congregate on a
18 regular basis, such as but not limited to schools,
19 playgrounds, children's toy and/or clothing stores, video
20 arcades, day care centers, swimming pools, zoos, amusement
21 parks, or other parks primarily used or that can reasonably be
22 expected to be used by children under the age of 18 without
23 prior permission of the probation officer.

24 The defendant shall not photograph and/or videotape
25 any children under the age of 18 without the written consent

1 of their parent or legal guardian who is aware of the nature
2 of the defendant's history, characteristics, and convictions,
3 and has been approved by the probation officer.

4 It is further ordered that the defendant shall pay
5 a fine in the amount of \$50,000 to the Clerk of Court, United
6 States Courthouse, 700 Grant Street, Suite 3110, Pittsburgh,
7 PA 15219. The fine shall be paid within 10 days of this
8 judgment.

9 It is further ordered that the defendant shall pay
10 to the United States a mandatory special assessment of \$100
11 for each of Counts 1, 2, 3, and 8, for a total of \$400 which
12 shall be paid to the United States District Court Clerk.

13 It is further ordered that the defendant shall pay
14 restitution to the following individuals: Otoniel and Erick.
15 Restitution shall be in the amount of \$10,000 to Otoniel and
16 \$10,000 to Erick.

17 Unless the director of the administrative office
18 directs the defendant otherwise, all payments made pursuant to
19 the Court's restitution order are to be sent to the Clerk of
20 Court, United States Courthouse, 700 Grant Street, Suite 3110,
21 Pittsburgh, PA 15219, and the clerk's office will transmit the
22 restitution payment.

23 This sentence is imposed after consideration of
24 each of the factors set forth in 18 United States Code,
25 Section 3553(a), and those factors support your sentence as

1 follows:

2 As to Factor One: The offense conduct involved two
3 counts of engaging in illicit sexual conduct in foreign
4 places, one count of knowing possession of visual depictions,
5 the production of which involved the use of minors engaging in
6 sexually explicit conduct, and one count of knowing
7 transportation, transmission, or transfer of a monetary
8 instrument or funds from a place in the United States to a
9 place outside of the United States with the intent to promote
10 the carrying on of an illegal unlawful activity.

11 With regard to personal characteristics, the
12 defendant was born in Johnstown, Pennsylvania, on August 22,
13 1945. The defendant stated that he and his four sisters were
14 raised on a 42-acre farm outside of Windber. This farm has
15 been in the family since 1929, when it was purchased by his
16 paternal grandfather.

17 The defendant described his childhood as lower
18 class poor, but stated that the family's needs were always
19 provided for. He reports no abuse of any nature in his
20 childhood years.

21 The defendant has never been married and reports he
22 has not fathered any children.

23 With regard to medical condition, the defendant has
24 high cholesterol and high blood pressure, but states that
25 otherwise except for some minor ailments he is in good health.

1 The defendant has no history of mental or emotional
2 problems.

3 The defendant reports that he has never had any
4 sexual experiences and describes himself as a non-sexual
5 person, due to his position as a priest.

6 He denies any substance abuse and states that his
7 consumption of alcohol is limited to social occasions and is
8 very limited.

9 The defendant graduated from Winder Area High
10 School in 1964. He later achieved a bachelor of arts in
11 geography from Villa Nova in 1982, and had a concentration in
12 peace and justice. The defendant graduated with a master of
13 divinity degree in 1987 from Washington Theological Union,
14 Washington, DC. The defendant graduated from the Pittsburgh
15 Theological Seminary in 2000 with a doctorate in ministry
16 degree. The defendant did honorably serve in the United
17 States Navy, and was assigned for one year to the Republic of
18 Vietnam during the Vietnam War.

19 With regard to employment record, the defendant has
20 been a priest and assigned to the diocese of Altoona/Johnstown
21 since 1987. Prior to that he was gainfully employed for his
22 adult life. He was at various parishes form 1987 to 2014.

23 According to the defendant, over 18 years ago he
24 developed Humanitarian Interfaith Ministry, also referred to
25 as HIM, and ran mission trips to Honduras and other countries.

1 HIM Ministries turned to assisting children in the
2 Honduras, specifically through ProNiño. The defendant
3 reported that he was the CEO of HIM, and according to the
4 defendant, HIM has spent more than \$1 million in building and
5 maintaining an orphanage in Honduras.

6 The defendant, at the time of the preparation of
7 the presentence report, reported a net worth of \$586,831.
8 Therefore, based upon the information given to the Court, the
9 defendant has the means to satisfy a fine and the restitution
10 in this case.

11 Clearly, the defendant has a large support group
12 consisting of friends, family, and parishioners.

13 The Court did grant a variance, resulting in a
14 sentence of 200 months of imprisonment, lifetime supervision,
15 and a fine.

16 Contributing to the decision to grant a variance
17 were the following particular factors, in addition to the
18 overall circumstances of this case: The defendant's honorable
19 military service, his age, his otherwise praiseworthy
20 activities and achievements, his prior good works, civic and
21 charitable activities, vulnerability to victimization and
22 abuse in prison, lack of any prior criminal history, and the
23 short time frame in which the sexual abuse in Counts 1 and 3
24 actually occurred; namely, approximately two weeks in 2009.

25 Even with a downward variance, defendant's sentence

1 is 200 months of imprisonment, which takes into account the
2 serious nature of the offenses of which he has been convicted.

3 As to Factor Two: Your offenses are serious, as
4 they are violations of federal law and caused danger to the
5 community. Your sentence is below the guidelines range
6 because although the guidelines range generally reflects the
7 seriousness of your offense, the need for your sentence to
8 reflect punishment and deterrence is satisfied by 200 months
9 of imprisonment, followed by lifetime supervised release, and
10 a fine of \$50,000.

11 This sentence will hopefully see you become and
12 remain a productive citizen in the community following service
13 of your imprisonment sentence.

14 A mandatory special assessment of \$400 is
15 mandatory.

16 As to Factor Three, the kinds of sentences
17 available to the Court: The maximum possible sentence the
18 Court is permitted by statute to impose at Counts 1 and 3 is
19 30 years of imprisonment for each count. The maximum possible
20 sentence the Court is permitted by statute to impose at Count
21 2 is 10 years of imprisonment. The maximum possible sentence
22 the Court is permitted by statute to impose at Count 8 is
23 20 years of imprisonment. The sentencing guidelines, which
24 are advisory and are one factor to be considered, provide for
25 a term of 262 to 327 months.

1 The Court has chosen to impose a sentence of
2 200 months of imprisonment, followed by lifetime supervised
3 release and a fine of \$50,000. The Court believes this
4 adequately reflects the seriousness of your crimes and is
5 severe enough to reflect the danger posed to the community by
6 those crimes.

7 As to Factors Four and Five: The sentencing
8 guidelines generally provide a fair gauge of the amount of
9 imprisonment and supervised release that are appropriate for
10 your punishment. However, taking into account your criminal
11 history, which is none, and your personal history, which the
12 Court has previously set forth, I determine that the below
13 guidelines sentence of 200 months of imprisonment is
14 sufficient but not greater than necessary to comply with the
15 statutory purposes of sentencing. The Court believes that
16 your sentence is an appropriate and just punishment in this
17 case.

18 As to Factor Six: In applying a sentence of
19 200 months of imprisonment, the sentencing guidelines as
20 applied to your specific circumstances present an instance
21 where the sentence imposed is proper. Any disparity with
22 others sentenced for similar crimes is justified in light of
23 several factors and specific circumstances surrounding you and
24 your crime, your lack of history of criminal behavior, and
25 your personal history.

1 As to Factor Seven: Pursuant to 18 United States
2 Code, Section 3663(a), restitution has been ordered in this
3 case. Restitution is due and owing to the following two
4 victims: Otoniel and Erick, each in the amount of \$10,000.

5 The defendant has been detained without bond since
6 his arrest, and the Court determines that the defendant is not
7 a candidate for voluntary surrender, pursuant to 18 United
8 States Code, Section 3143(a)(2).

9 Mr. Maurizio, you can appeal your conviction if you
10 believe that your conviction was somehow unlawful or if there
11 is some other fundamental defect in the proceedings. You also
12 have a statutory right to appeal your sentence under certain
13 circumstances, particularly if you think the sentence is
14 contrary to law.

15 If you cannot afford the costs of an appeal, you
16 have the right to request to proceed with your appeal in forma
17 pauperis. The clerk of court will prepare and file a notice
18 of appeal upon your request. With very few exceptions, any
19 notice of appeal must be filed within 14 days of the entry of
20 this judgment.

21 Mr. Passarello, you indicated during your
22 presentation that there will be separate appellate counsel
23 representing Mr. Maurizio. I advise you that under the rules
24 of the Third Circuit Court of Appeals that you must remain
25 counsel in this case until they approve your withdrawal, which

1 I am sure will be after the appellate counsel enters his
2 appearance.

3 MR. PASSARELLO: Yes, Your Honor.

4 THE COURT: Are there any other issues to be
5 brought before the Court by either party at this time?

6 MS. HAINES: Nothing from the United States.

7 MR. PASSARELLO: Your Honor, just briefly.

8 (Off-record discussion between counsel.)

9 MS. HAINES: Your Honor, I believe earlier in the
10 proceeding you did order that the forfeitures would be in
11 accordance with the enumerated allegations in the forfeiture
12 allegation?

13 THE COURT: Well, I will add that to the sentencing
14 order. I had indicated that previously, but I should really
15 make that a part of the sentencing order. Thank you for
16 reminding me of that.

17 The Court orders forfeiture of all items that are
18 set forth in the forfeiture allegations, which were filed with
19 the superseding indictment and indictment in this case.

20 MR. PASSARELLO: Thank you. With that, there would
21 be nothing further from the defense.

22 THE COURT: Then, Attorney Larson or Attorney
23 Haines, anything further?

24 MS. HAINES: No, Your Honor.

25 THE COURT: Thank you. That concludes this

1 sentencing proceeding, and we will be in recess until call of
2 Court.

3 (Proceedings concluded at 12:34 p.m.)

4 * * *

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6 CERTIFICATE OF OFFICIAL REPORTER

7

8 I, Kimberly K. Spangler, Federal Official Court
9 Reporter, in and for the United States District Court for the
10 Western District of Pennsylvania, do hereby certify that
11 pursuant to Section 753, Title 28, United States Code, that
12 the foregoing is a true and correct transcript of the
13 stenographically reported proceedings held in the
14 above-entitled matter, and that the transcript page format is
15 in conformance with the regulations of the Judicial Conference
16 of the United States.

12

13 Dated this ____ day of _____ 2016

13

14 KIMBERLY RUSHLOW SPANGLER, RPR, RMR
15 FEDERAL OFFICIAL COURT REPORTER

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